

APRIL 2006

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GOVERNANCE TIMELINE

21 APR 03
CPA established
6 MAY 03
L. Paul Bremer named CPA head
19 MAY 03
*Neighborhood Advisory Councils
formed in Baghdad*
Circa JUL 03
District Advisory Councils formed in Baghdad
22 JUL 03
Iraqi Governing Council formed by CPA
8 MAR 04
IGC signs TAL—effective immediately
6 APR 04
*Amb. Bremer signs CPA Order 71—
provincial councils established*
28 JUN 04
*CPA transfers sovereignty to
Interim Iraqi Government*
30 JUN 04
Interim Constitution in effect
30 JAN 05
*Elections for Iraqi Transitional Government and
new Provincial Councils*
1 MAR 05
Newly elected Baghdad Provincial Council seated
16 MAR 05
First session of TNA
3 MAY 05
ITG replaces IIG
Circa JUN 05
PST/PRDC initiative
15 OCT 05
National Referendum on new Constitution
15 DEC 05
National Elections for first permanent assembly
10 FEB 06
Official election results announced
26 MAR 06
Baghdad PRT inaugurated

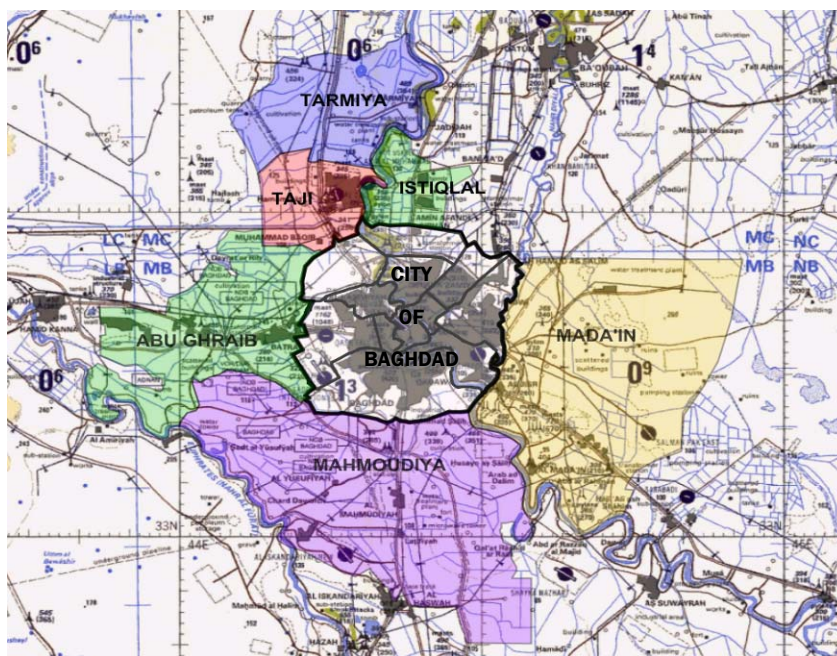
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BAGHDAD GOVERNANCE

On 1 March 2005 the new Baghdad Provincial Council took office in a ceremony attended by outgoing and incoming officials. This Provincial Council was chosen during the elections of January 2005 by the people of Baghdad. This date marked a significant milestone in Baghdad's fledgling democracy. 15 October 2005 was another such date, when millions of Iraqis turned out to vote in a referendum on a Constitution drafted by the TNA. On 15 December 2005, millions of Iraqis turned out to vote for the first permanently-seated national assembly.

This booklet is an attempt to give an accurate snapshot of the current governing structure of Baghdad province and the key developments between March 2005 and April 2006, after the official election results were announced and the process of forming a new government was set in motion. One of 18 provinces in Iraq, Baghdad is the most populous with somewhere around 7 million inhabitants out of an estimated 27 million total for the country. The seat of the national government, Baghdad has a complicated and sometimes confusing array of government offices, ministries and councils. Traditional systems of government sometimes compete with new institutions created since 2003, and periodic changes of personnel make governance a fluid and sometimes chaotic activity.



CITY DISTRICTS

1. ADHAMIYA
2. KADHAMIYA
3. MANSOUR
4. KARKH
5. RASHEED
6. SADR CITY
7. RUSAFA
8. 9 NISSAN
9. KARADA

REGIONAL QADAS

1. TARMIYA
2. TAJI
3. ISTIQLAL
4. ABU GHRAIB
5. MAHMOUDIYA
6. MADA'IN

Baghdad is generally considered to be politically divided into 9 Districts within the city limits, and 6 Qadas outside of the city. For the purposes of simplicity this booklet will sometimes refer to Baghdad's '15 districts'. The primary distinction between a city District and a regional Qada is that historically, Baghdad City receives its essential services from the Amanat (considered a ministry-level institution) and the Qadas and Nahias (townships and villages) receive their essential services from the Ministry of Municipalities and Public Works.

For the purposes of services, the Amanat has divided the City into 13 beladiyas, which roughly conform to most District boundaries. Qada and Nahia boundaries are shown on page 20.

Some ambiguity exists over the exact boundaries of Baghdad province, but the map shown here is the generally accepted map used by Baghdad government officials and the IECL.

ADMINISTRATIVE LAW

Transitional Administrative Law (TAL) Article 55 gave the right to each governorate to form a Governorate (Provincial) Council, name a Governor and form municipal and local councils. TAL Article 56 described the relationship of provincial governments to the national government as one of assistance in coordinating the work of the federal ministries. Article 57 gave all powers not exclusively reserved to the Iraqi Transitional Government to provincial governments, broadly defining the mandate of those governments' responsibilities.

Coalition Provisional Authority Order 71, Local Government Powers, gave further description to the authorities and responsibilities of governorate, municipal and local government. Section 2 described the make-up and purpose of the Governorate Council. Section 3 defined the position of Governor as the head civil official in the Governorate. Section 4 laid the basis for the creation of local councils in Qadas, Nahias, Districts (Beladiyas) and Neighborhoods (Hayys).

Under the authority of Order 71, three provisional administrative charters were written and then adopted in June 2004. The Charter of the Governorate of Baghdad enumerated the powers invested in the Governorate (Provincial) Council and defined the governorate as being made up of a City of Baghdad consisting of nine Districts, and a Regional Area consisting of six Qadas (further demarcated into 20 Nahias). A Charter of the City of Baghdad was adopted by the City Council, and a Charter of the Baghdad Region was adopted by the Regional Council. These charters recognized that a transitional government would be elected in January 2005, but were to remain in effect until a permanent Baghdad Charter and Local Administrative Law were approved by the registered voters of the province.

The historic elections of January 2005 were a resounding success for the developing democracy in Iraq. The successful seating of a National Assembly invested with the mandate to draft a new constitution for the nation of Iraq was a remarkable achievement. However, at the provincial level several problematic legacies have emerged indirectly linked to the results of these elections.

KEY ADMINISTRATIVE LAWS

- TAL 55, 56, 57 Original definition of provincial structure
- CPA Order 71 Local Government Powers
- Provisional Administrative Charter for the City of Baghdad (6 JUN 04)
- Provisional Administrative Charter of the Baghdad Region (7 JUN 04)
- Provisional Administrative Charter of the Governorate of Baghdad (8 JUN 04)
- CONSTITUTION Article 134 Status of Baghdad as 'capital region'
- Draft Local Government Code

Administrative Law (cont'd)

The currently sitting Provincial Council reportedly dismisses the TAL Baghdad Charter of 2004 as illegitimate, citing that it was not itself signed by Ambassador Bremer and thus does not carry the same legal weight as the TAL itself. This Council would rather rely on the broad description of its authority as laid out in CPA Order 71.

Questions loom over the status of local governance in the new national constitution. Article 134 of the new national Constitution describes Baghdad as having a special status as the 'capital' of Iraq, implying that its government will be a special type of government as compared to the regions, decentralized provinces, and local administrations also identified in the text. This government has yet to be fully described in law, and it is unclear how a new and permanent government will interpret this Article. Much 'implementing legislation' must be passed by the new national Council of Representatives to make the Constitution an effective basis for Iraq's government.

The Baghdad Provincial Council has been involved with efforts to develop a Local Government Code that may be part of the eventual replacement legislation for Order 71, defining the roles and responsibilities for all provincial and local councils and their associated executive officials. Assisting with its development are contractors working under USAID's Local Governance Program (LGP II) contract. In February 2006, the PC invited members of provincial councils from the rest of Iraq to debate and discuss a draft document that will eventually be submitted to the national Council of Representatives for review and passage.

From CPA Order 71:

Section 1 Purpose

This Order describes the authorities and responsibilities of the governorate, municipal and local levels of government. It implements the principle of decentralization of governing power embodied in the TAL. By appropriately empowering government bodies at the governorate, municipal and local levels, the Order is designed to improve the delivery of public services to the Iraqi people and make the Iraqi government more responsive to their needs. This Order encourages the exercise of local authority by local officials in every region and governorate...

From the Constitution:

PART FIVE: THE CAPITAL

Article (134): Baghdad with its administrative boundaries is the capital of the republic of Iraq, and it consists of the province of Baghdad with its administrative boundaries, and its status is regulated through a law.

BAGHDAD'S EVOLVING COUNCIL STRUCTURE

Throughout 2003 and 2004, Coalition partners working with local Iraqis and the Local Governance Program (LGP I) developed a system of local councils to assist in the more efficient management of government services in what was intended to be a more decentralized Iraq. The process began with the creation of Neighborhood Councils in 88 neighborhoods in Baghdad city. Among the 20 outlying villages around Baghdad, Nahia Councils were formed. Representatives for these councils were selected by citizens who attended community meetings. These new Neighborhood and Nahia councils then chose several of their members to represent them at District and Qada Councils. 9 District Councils were created for the city, and 6 Qada Councils made up the region. From members of the 9 Districts, a City Council was formed, and a Mayor was appointed to serve as the chief executive of all services for the city. From members of the 6 Qada Councils, a Regional Council was formed, and the Deputy Governor for Regional Affairs was its chief executive – responsible for managing services for the citizens of these outlying qadas.

[NOTE: For the purposes of simplicity, this paper will sometimes refer to the 15 'districts' of Baghdad to describe the 9 Districts and 6 Qadas as equal administrative units.]

A Provincial Council was formed by choosing 46 representatives from District, City, Qada and Regional Councils. This Council was designed to communicate the needs of the province to the national government, and manage the execution of projects in the province. A ratio of 80% city representatives to 20% qada representatives was established to approximate the relative population distribution of the province. The Governor was to serve as the chief executive for this council. It was envisioned that the Governor and the Mayor would be considered of equal rank. The Deputy Governor for the Regions would be subservient to the Governor.

Thus, representation was determined as follows: a citizen could attend a community meeting and be selected to a Neighborhood Council. He could then be chosen to represent that Neighborhood at a District Council, and then be selected by that body to sit on the City Council – who could then choose him to be a member of the

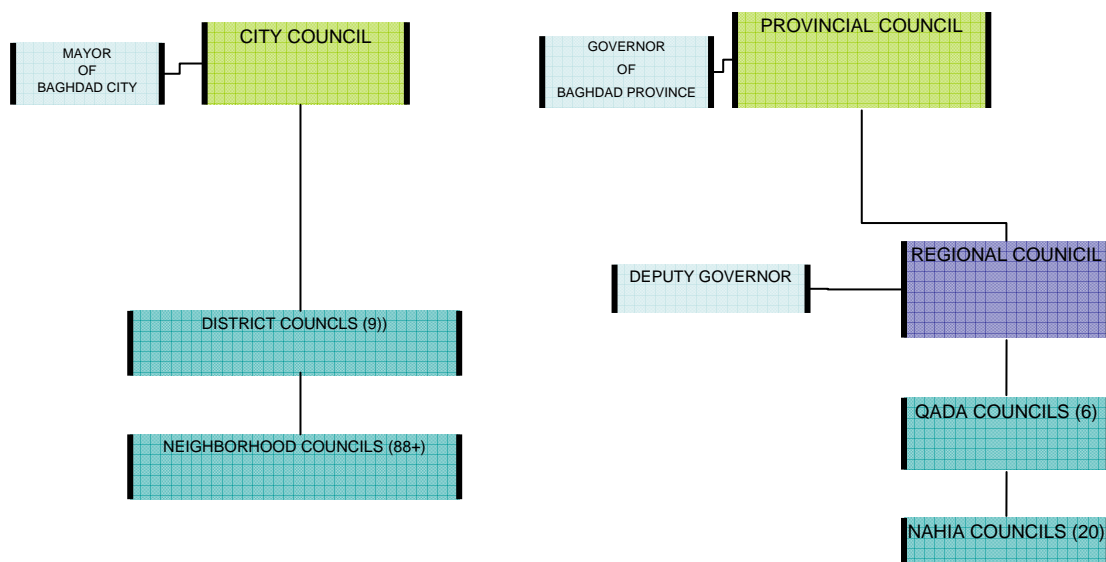


Figure 1, Baghdad Government Structure (as envisioned by CPA local council system). Note that the Mayor and Governor were seen to be of equal prominence.

Baghdad's Evolving Council Structure (cont'd)

Provincial Council. It was permitted to continue serving on multiple councils. Figure 1. shows the original council structure as it stood in mid-2004.

The intent for 2005

Charters were written to govern the operation of the three major councils of Baghdad: the City Council, the Regional Council and the Provincial Council. These charters were intended to be provisional, existing only until they could be ratified by citizens in a referendum, or until future documents, also ratified by citizens, took their place. The general principle guiding the entire council system and the formation of these charters is *that a system of government cannot give power to itself*.

Electoral rules were contained in each Charter to ensure that future councils were chosen by the people in officially-sanctioned, fair and open elections. The Independent Electoral Commission of Iraq (IECI) was charged with conducting all such elections. The TAL stipulated that elections for a National Assembly and a new Provincial Council would occur no later than 31 January 2005. Methods for elections to form new Neighborhood, District, City, Nahia, Qada and Regional Councils were laid out in the charters, but such elections were postponed until after the national and provincial elections of January 2005. The creation of an institution known as the Baghdad Electoral Commission was envisioned to administer these elections.

According to the Governorate (Provincial) Charter of 2004, voters were to choose representatives for a new Provincial Council by voting for candidates from their District or Qada, ensuring geographical constituencies were served by representatives on the premiere governing body within the province. Candidates were to run without any party designation.

What actually happened in 2005

The historic elections of January 2005 resulted in the successful seating of the Transitional National Assembly, charged with drafting a new constitution for Iraq, and in Baghdad, of a new Provincial Council. However due to the inexperience of the IECI and political concerns, the elections were run as party-list single electoral district elections. Voters in Baghdad chose which party they preferred for the National Assembly, and which party they preferred for the Provincial Council. Due to the Sunni boycott and the strong turn-out of Shia voters, the Shia coalition (UIA) performed well at both the national and provincial levels. Coalitions then determined how many seats their parties received, and party leaders then chose which of their candidates would fill the seats of these new political bodies. The SCIRI/Badr coalition won 28 out of the 51 seats on the new Baghdad Provincial Council. Again, these members were not selected to represent any geographical districts of Baghdad, they only represent the wishes of their political party. Most of the 28 SCIRI/Badr members reside in, or are associated with Sadr City.

Throughout 2005, Baghdad has witnessed the following developments:

- The new Baghdad Provincial Council refused to accept the legitimacy of the Charters of 2004, choosing instead to rely on the broad interpretation of their powers as written in CPA Order 71.
- This Provincial Council views other local councils as insignificant, because they have not been chosen by an 'official election'. With the non-recognition of the City and Regional Charters, the local councils have found themselves in legal limbo for the past year and have grappled with the PC over their roles and responsibilities.
- A conflict between the City Council and Mayor al-Tamimi caused the Provincial Council to declare the City Council 'dissolved'. The PC established an Essential Services Committee to perform the functions of the City Council while a legal battle between the PC and the City Council continued throughout 2005 and into 2006.
- A conflict between Mayor al-Tamimi and the PC resulted in the PC installing a member, Saber al-Esawi, as Mayor. The PC has declared its authority over this position.
- The PC made several attempts to conduct local elections, but without the planning, organization or support to conduct an

Baghdad's Evolving Council Structure (cont'd)

election that could possibly be seen as fair and legitimate.

- The PC replaced the Deputy Governor for Regional Affairs (chosen by the Regional Council) with someone who has no affiliation with the Regional Council.
- The PC and the Regional Council have repeatedly sparred over the authority to coordinate with ministries, and other power-sharing issues. The PC is in the process of creating a Regional Services Committee; this body looks likely to assume the duties of the Regional Council.
- The PC has replaced many key non-elected ministry officials with Provincial Council members or individuals with political connections, regardless of technical experience or ability.
- Members of local councils are increasingly alienated from both the Provincial and National governments due to the latter's domination by party politics. These members also often express their feelings of betrayal by the Coalition, due to the dwindling support they receive directly from Coalition partners, and with little to show in the way of improved security and services for their sacrifices and courage over the past three years. (Anecdotally, the number of assassinated CPA council members in this time is estimated at over 50).

There is a logic to the actions of the Provincial Council, and several of these moves should be seen as legitimate attempts to simplify and streamline government activity in Baghdad. The formation of so many local councils, and unclear delineations between the duties of the Provincial, City and Regional Councils (coupled with the inexperience of the members of the new PC) may have created an environment for political Darwinism to re-centralize political authority into a more effective structure. This diagram shows roughly how Baghdad actually functions right now. (The City Council has no official recognition*; the Regional Council still meets, but performs little if any actual governance.)

*In March 2006, the Administrative Court ruled in the City Council's favor, arguing that the PC had indeed overstepped its authority by 'dissolving' a local council—a power not expressly given in Order 71. However, as of this writing the PC intends to appeal this ruling and continues to formulate political strategies to ensure that the City Council is not reinstated in its previous form.

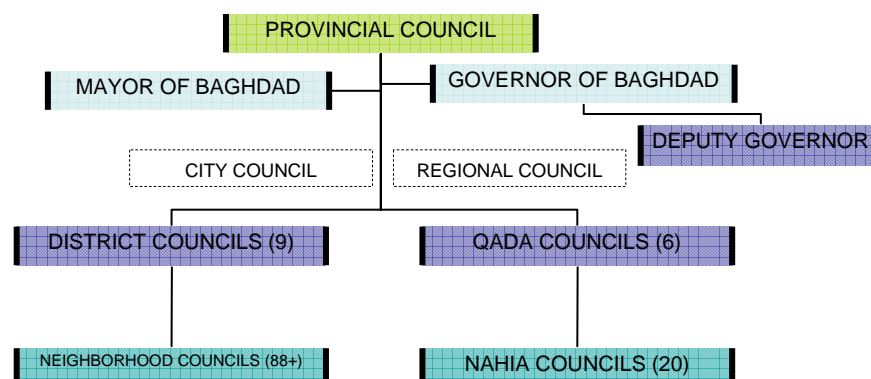
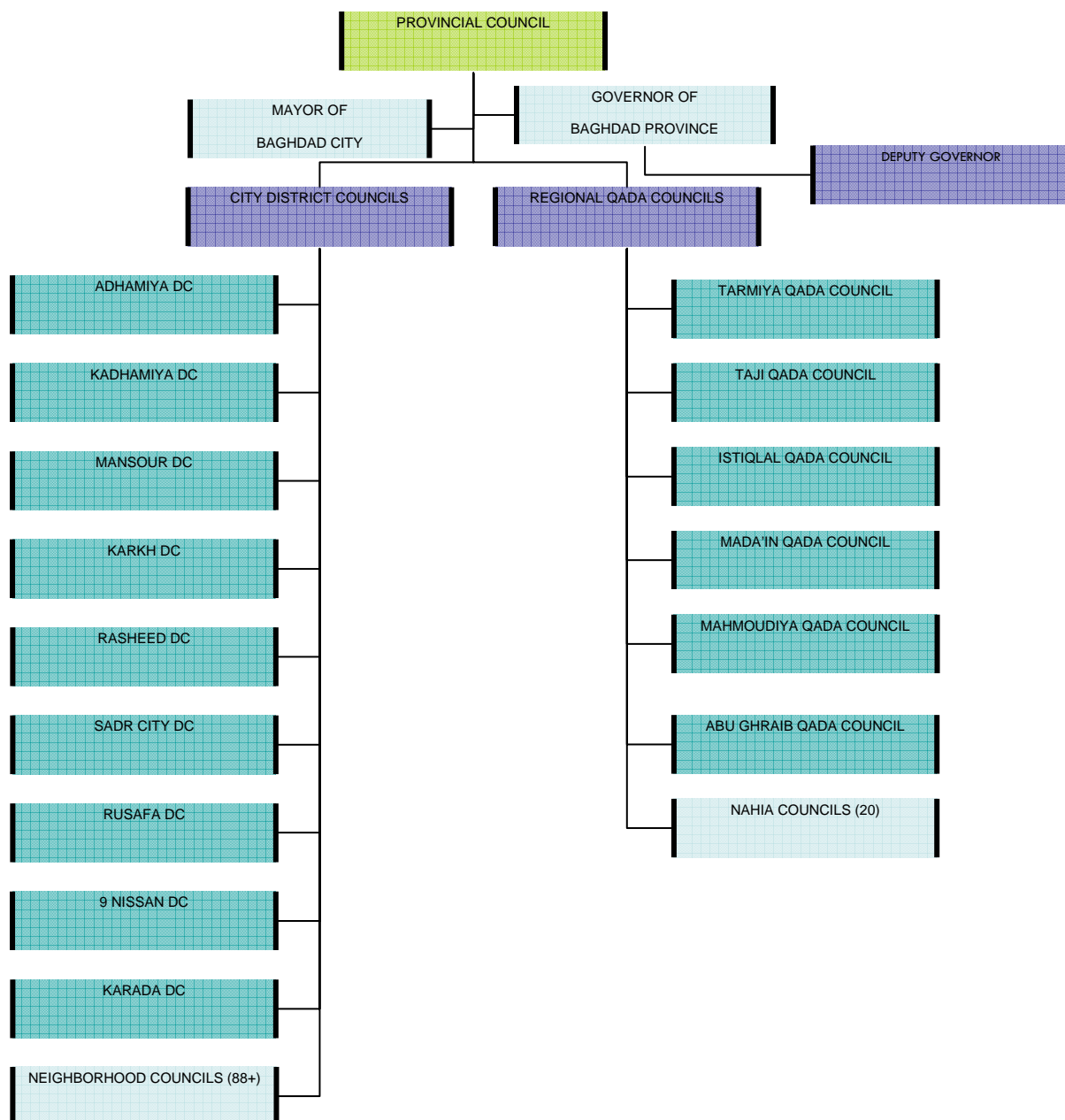
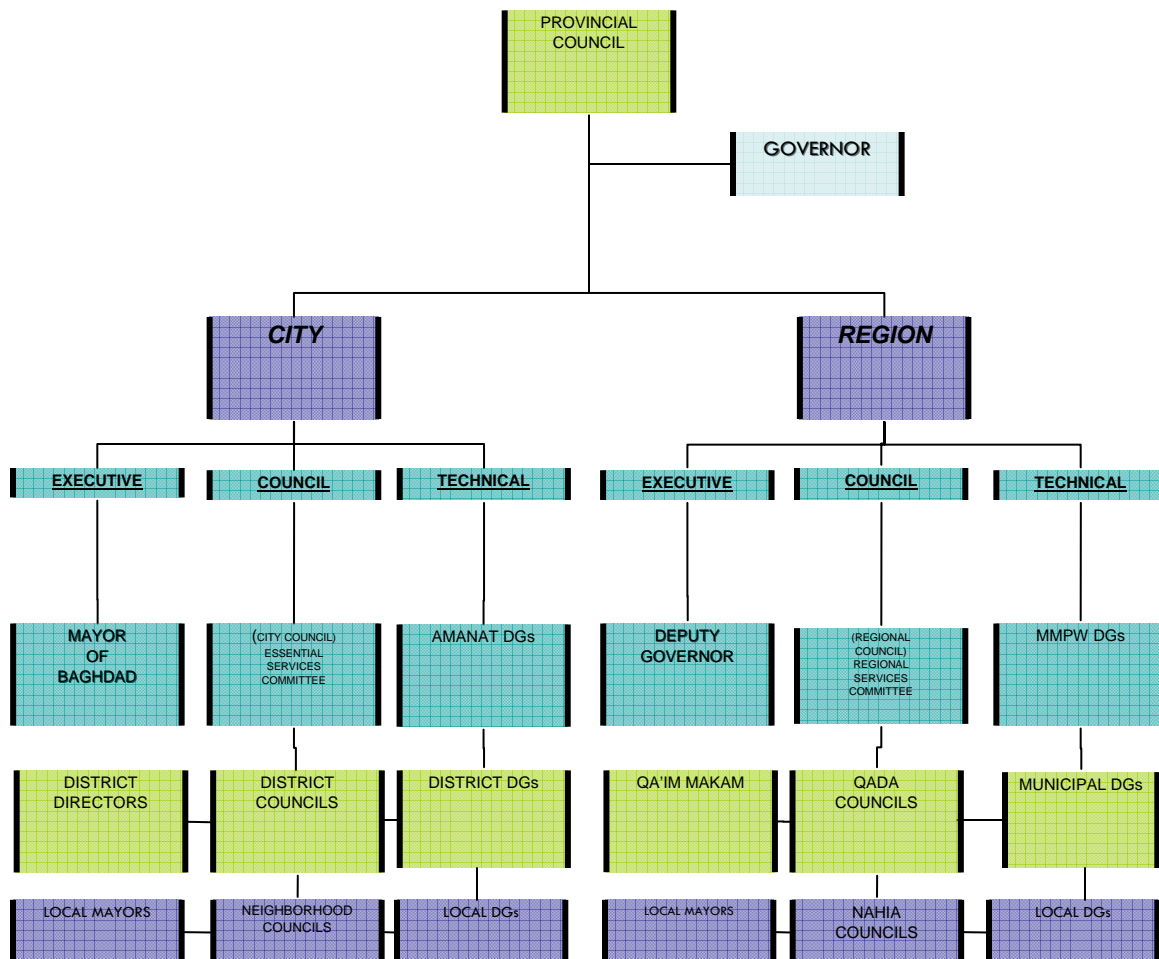


Figure 2, Baghdad Government Structure (as currently functioning). The connection between the Provincial Council and local councils is strongest with the Essential Services Committee, but this only involves the 9 City District Councils. The Provincial Council holds bi-monthly meetings with all 15 council chairs but overall the linkage between local councils and the PC is tenuous- and particularly with the Qada Councils.

BAGHDAD COUNCILS



PROVINCIAL GOVERNANCE



Government in Iraq has similar features at the national, provincial and local levels. To function properly there must be effective coordination between all components.

• COUNCILS (LEGISLATIVE)

–raise issues, debate priorities and make decisions

(National assembly/Provincial Council/local councils)

• SERVICE MINISTRIES (TECHNICAL)

–provide the resources and expertise to implement solutions

(Ministries/Provincial DGs/ local managers)

• EXECUTIVE OFFICIALS (EXECUTIVE)

–coordinate with councils, direct the technical authorities and advocate for their regions

(President and Prime Minister/Governor and PC Chairman/ local mayors and council chairmen)

PRIMARY COUNCILS

PROVINCIAL COUNCIL

- 51 ELECTED MEMBERS
- PREMIERE POLITICAL BODY IN PROVINCE
- LEGISLATIVE AUTHORITY FOR PROVINCIAL ORDINANCES
- APPOINTS PROVINCIAL GOVERNOR
- APPOINTS MAYOR*
- HAS COMMITTEES OVERSEEING VARIOUS GOVERNMENTAL FUNCTIONS
- HOLDS MEETINGS WITH DISTRICT AND QADA LEADERS

REGIONAL COUNCIL

- **CREATED UNDER CPA, BUT CURRENTLY MARGINALIZED BY PC***
- 35 MEMBERS CHOSEN FROM QADA COUNCILS
- APPOINTS PROVINCIAL DEPUTY GOVERNOR*
- POLITICAL BODY FOR REGIONAL ISSUES
- NO LEGISLATIVE AUTHORITY- PROPOSES ORDINANCES TO PC
- COORDINATES ESSENTIAL SERVICES FOR REGION VIA THE MINISTRY OF MUNICIPALITIES AND PUBLIC WORKS (MMPW)

CITY COUNCIL

- **CREATED UNDER CPA ; DISSOLVED BY PC MID-2005***
 - COURT HAS RULED IN FAVOR, BUT PC RESISTS REINSTATEMENT
- COORDINATED ESSENTIAL SERVICES FOR CITY DISTRICTS VIA AMANAT
- POLITICAL BODY FOR CITY DISTRICT COUNCIL REPS
- REPLACED BY ESSENTIAL SERVICES COMMITTEE OF PC

*INDICATES ITEMS OF CONTENTION OR AMBIGUITIES IN CURRENT LAW

PROVINCIAL COUNCIL

The Provincial Council (PC) consists of 51 elected members. The election of the current membership of the PC was conducted in January 2005 in conjunction with the election of the Transitional National Assembly. The vote was by party list, meaning that voters chose which party they supported, and the party leadership chose which candidates they wanted place on the council. Similar to the national vote, Shia political parties won the vast majority of the PC seats based on the large Shia turnout.

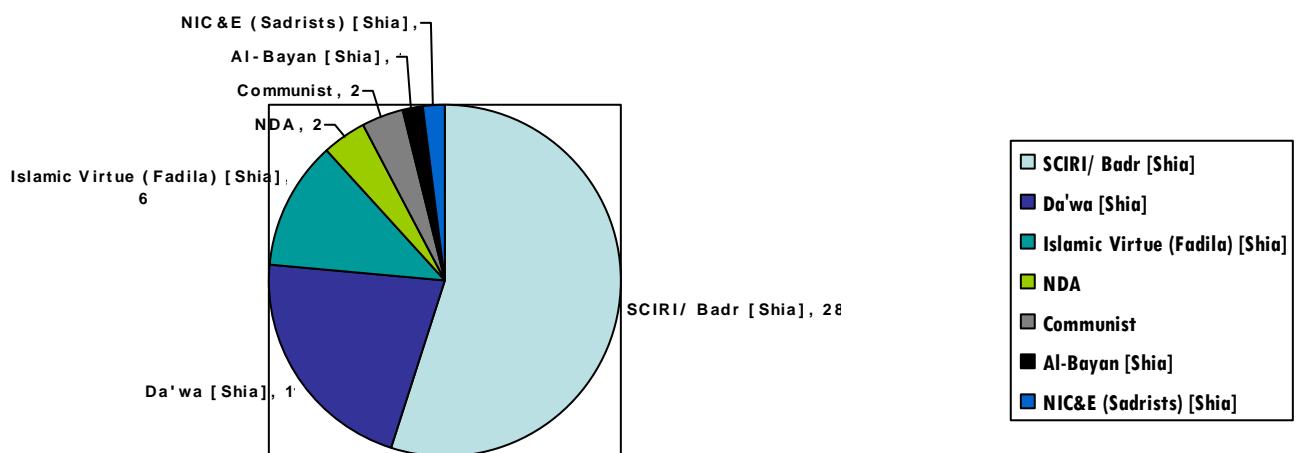
A coalition of the Supreme Council for the Islamic Revolution in Iraq (SCIRI), a Shia party and the Badr Organization, won 54% and a 28 seat majority in the PC. The Da'wa Party, also largely Shia, won 22% or 11 seats on the council. The Fadila Party (Shia) won 12% or 6 seats on the council. These 3 Shia parties alone currently comprise 45 of the 51 seats on the PC. The Baghdad Provincial Council is thus Shiite dominated from top to bottom, despite the fact that Sunnis make up a sizable minority of Baghdad's population.

The remaining 6 seats in the PC belong to the National Democratic Alliance with 2 seats, the Iraqi Communist Party (ICP) with 2 seats, the National Independent Cadres and Elites (a Sadrists-affiliated party) who received 1 seat, and independent Al-Bayan which received 1 seat. Not including the Kurds on the council who do not identify themselves as 'Sunni', there is just one Sunni member of the PC, and this member is from the Communist Party.

The Chairman of the council, Mueen Hameed is a SCIRI party member. The Deputy Chairman of the PC is Mohan Hashem Al-Saidi, is a working-class Sadrist from the National Independent Cadres and Elites. Mueen wields a tremendous amount of power over the PC due to his status as the majority party head on the council.

Decisions made at the PC are generally in support of Shiite communities and priorities. While certain members of the PC believe that addressing Sunni concerns is a key to settling many of the issues plaguing the province, many PC members still believe Sadr City, having been neglected for so long, should receive the lion's share of projects and aid. Projects originating from the Provincial Development Reconstruction Committee (PRDC) have been proposed with little or no Sunni political participation.

In the short term, given the current party representation on the PC, priorities will likely continue to be driven by the SCIRI/Badr bloc of the council. Project priorities will likely be directed towards Shia dominated areas.



Provincial Council (cont'd)

The PC has number of committees responsible for handling various aspects of governance and provincial coordination. These include the following:

Security Committee: This committee coordinates with IPS and other security forces within Baghdad. The committee is also discussing concrete barrier removal and other security related issues for the city. Chair: Riyad Abdul Allah

Legal Committee: This committee is currently concentrating efforts on the formulation of a Provincial Charter and legal issues at the council. Chair: Dr. Khaoula Al-Hassany

Education Committee: This committee coordinates education issues with District Councils and the Ministries of Education and Higher Education. Chair: Dr. Abdul Razzak Kadum Al-Zubaidy

Sports & Youth Committee: This committee is working to establish sport and youth programs and associated centers within Baghdad. They coordinate with the Ministry of Sports & Youth. Chair: Samer Abdul Razzak Kadum

Integrity Committee: This committee is intended to ensure that members of the PC work in a transparent and responsible manner. Chair: Atiyah Al-Ugaily

Human Rights and Religious Affairs Committee: This committee concentrates its efforts on ensuring human rights are taken into account and are enforced within the province. The Religious Affairs component coordinates with the religious leadership of Baghdad. Chairs: Nail Mohammed Hussein Al-Musawi and Laith Hassan Sidiq al-Hadery

Economic Committee: This committee works with a number of ministries including Finance and Trade, to establish a plan to bring economic development and employment to Baghdad. Budgeting of the PC

is also a concern of this committee. Chair: Kamel Mohammed Al-Shabibi

Media & Public Relations Committee: This committee is responsible for ensuring the PC is viewed in a positive light by the public. Chair: Dr. Salah Salem Abdul Razzak

Civil Society and Women&Children Committee: Issues concerning civil society groups and the special concerns of women and children in Baghdad are the focus of this committee. Chair: Tarek Jahan Bakash

Essential Services Committee: The committee monitors current Amanat projects, reacts and coordinates repair issues at the city district level, and communicates PC leadership priorities to the leadership of the Amanat. Chair: Kamel Al-Saidi

Regional Services Committee: This is a new committee that will focus on the services and projects needed in the outlying qadas of Baghdad province. Chair: Abd Allah Herez

Health/Environment Committee: This committee coordinates with the Ministry of Health to identify and address the needs of the healthcare infrastructure within the province. Chair: Dr. Jumaa Abdul Hassan Al-Meyahi

Oil Products Committee: Distribution of petroleum supplies across the province is the concern of this committee. Chair: Nazar Thamer Hatem

Social Security Committee: This recently established committee coordinates with the District Councils and the Ministry of Social Affairs to implement the fledgling social security program for Baghdad. Chair: Essa Hamood Al-Saady

Reconstruction Committee: This committee is heavily involved in the PRDC effort and concentrates its efforts on the rebuilding of infrastructure within the province. Projects proposals of other PC committees are funneled through this committee. Chair: Ali Mohammed Al-Attar

PROVINCIAL COUNCIL COMMITTEES

SECURITY
LEGAL
EDUCATION
SPORTS&YOUTH
INTEGRITY
HUMAN RIGHTS and RELIGIOUS AFFAIRS
ECONOMICS
MEDIA&PUBLIC ELATIONS
CIVIL SOCIETY and WOMEN&CHILDREN
ESSENTIAL SERVICES
REGIONAL SERVICES
HEALTH&ENVIRONMENT
OIL PRODUCTS
SOCIAL SECURITY
RECONSTRUCTION

LOCAL COUNCILS

- NO LEGISLATIVE AUTHORITY
- PROPOSES ORDINANCES TO PROVINCIAL COUNCIL
- MAY APPOINT/REMOVE DG's
- REPS MAY ATTEND JOINT MEETINGS WITH PROVINCIAL COUNCIL
- SEATS FILLED BY APPONTMENTS FROM NEIGHBORHOOD/NAHIA COUNCILS

DISTRICT COUNCIL

QADA COUNCIL

- NO LEGISLATIVE AUTHORITY
- PROPOSES ORDINANCES TO DISTRICT/ QADA COUNCILS
- SEATS FILLED BY LOCAL APPOINTMENTS; COMMUNITY CAUCUSES

NEIGHBORHOOD COUNCIL

NAHIA COUNCIL

LOCAL COUNCILS

The City of Baghdad is comprised of roughly 88 neighborhoods. The neighborhoods of the city ultimately form nine city districts. The governance of each district is comprised of a number of neighborhood councils (originally known as “NACs”—Neighborhood Advisory Councils, but now officially called Neighborhood Councils—NCs) and one district council (DC—originally a “DAC”). The composition of the district councils are determined by caucuses held at the NCs. The exact number of representatives on the DCs varies

from district to district depending on the number of representatives put forward from their respective neighborhoods. This system of neighborhood councils and district councils is somewhat paralleled outside the city limits, in the form of Nahia Councils and Qada Councils. Nahias could be considered much like ‘townships’ as they are generally centered around a single municipality. Examples include Taji and Tarmiya in the north, and Lutifiya and Yousifiya in the south. Qadas could be considered much like ‘counties’, with a ‘county seat’ in the central township of the county.

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Genesis of “DACs”

DCs have existed since the fall of the Saddam Hussein regime. Previously, there was leadership at the neighborhood level and district level, but these offices merely served to verify resident information and assist the local police chiefs in monitoring the neighborhoods. “DACs” and “NACs” were among the first forms of governance established in Iraq in 2003. DACs served as a link between local citizens of Baghdad city and

the coalition forces. Over time the direct relationship between the DACs and the U.S. and coalition forces as a go-between for local citizens has diminished. The DACs were enshrined within the City Charter of 2004 and became part of the local governance apparatus in the fledgling yet growing provincial and national government system.

DCs previously sent two representatives to the City Council meetings to bring DC issues to higher authorities. Now, these reps attend meetings of the Essential Services Committee of the PC, the replacement body for the City Council.

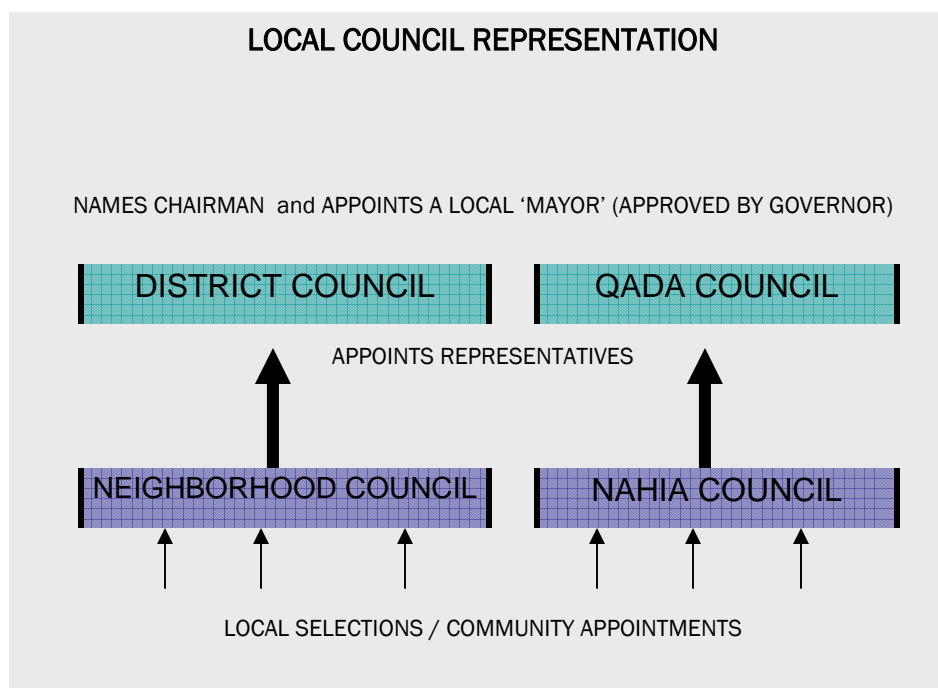
Additionally, there are periodic meetings of all DC chairmen. This DC Chairmen’s Council has infrequently met to discuss cross-district issues and create a unified front for DCs when dealing with

the PC. Notably, this Council met to sign a petition arguing that local elections not be held earlier this summer after the PC decreed their intent to hold them. Also, the draft provincial code was discussed at several such meetings and the forum was named the ‘General Secretariat’ for the Districts. This forum has seen less participation in recent weeks.

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Qada Councils

Qada Councils, in general, have been less successful than DCs, due to the security situation in the outlying areas and the prevalence of other more traditional ‘governing bodies’, such as Sheikh’s Councils. Most Qada Councils still rely on coalition forces participation to legitimate their activities.



Local Councils (cont'd)

Qadas send representatives to the Regional Council to bring their issues to RC leadership, who in turn advocate on their behalf with the MMPW or the PC. These reps do not necessarily include the Qada Council chairmen, which possibly frustrates a Qada's ability to unify its lobbying efforts. The PC has recently shown a noticeable lack of interest in the activities of the Regional Council, and this body looks likely to be dissolved in the near future. A committee of the PC will perform the functions of this council, but it is still unclear how the connections between the Qadas and the PC will be established.

Local elections

Originally, neighborhoods and nahias were assisted by coalition forces in holding local quasi-elections in which community leaders stood for office. Councils were formed from the members selected by their communities. NCs and Nahia Councils then chose representatives to sit on DC and Qada Councils, and these councils chose chairmen from among their members.

The subject of a new round of local elections has been debated ever since January 2005. In the spring, the Baghdad Provincial Council suggested holding local elections in mid-summer. However, the PC quickly reversed itself and put them off until at least October. But by July, the PC was attempting to organize local elections for a second time, beginning 15 August 2005. Local elections for Neighborhood Councils and Nahia Councils were to be scheduled over a month's time period. The make-up of the District Councils and Qada Councils would then be determined by internal elections from the Nahia and Neighborhood Councils. The representatives at the District and Qada levels would represent popular interests because they would have ultimately been elected at the Neighborhood and Nahia levels by the local populace.

While the Districts and Qadas were not specifically opposed to the *idea* of democratic elections, they were opposed to the timing of the elections and resented a perceived push to elections by Sadr City interests. Their supposed goal was to replace members of the existing District Council in Sadr City, comprised of political independents, with members of political parties. The need to have elections in the remainder of the city

would only be a side show to their priority. An unavoidable result of this would be the mass removal of party independents from most of the city Districts and the Qadas. A new era of party membership at all of the councils in the province would be ushered in.

The Chairmen of the 9 city districts signed a petition urging for elections to be postponed and threatening to ignore the call for elections outright. Some Nahias and Neighborhoods also threatened to ignore the local elections. Qada leaders complained they were not consulted regarding local elections. Certainly most standing officials could be against the elections for fear of losing their seats, but the overriding consensus was not that the elections were a bad thing—only that they were imprudent.

In September the TNA debated a draft law postponing local elections (meaning sub-provincial) indefinitely. The timeline set for the next election of a new Provincial Council put those elections off until after the seating of the new government, perhaps by Summer 2006. Both of these elections—for a new PC and for new local councils—need proper planning. They will likely determine the trajectory of democracy in Baghdad for many years.

Competing constituencies

The January 2005 elections brought in a Provincial Council based on party affiliation and not on geographic representation. This has altered the political landscape of the province, as DCs and Qada Councils have struggled to make their voices heard in the new governmental structure. A significant development occurred when the PC began hosting joint meetings with DC and Qada leaders to discuss their issues. Conceivably, this arrangement will strengthen governance in the province. Without some type of interaction, there is a huge disconnect between the community leaders closest to the people, and a provincial government run by members of the most powerful political parties—who may not have any incentive to distribute projects and services equally across the province.

Local council authority

District and Qada Chairmen enjoy little power and are unable to pass local ordinances or laws. With the Provincial Council consolidating power, DCs have lost some

Local Councils (cont'd)

authority in their communities. The most common complaint is the DCs 'talk and talk' but are short on delivery of promises made. Additionally, DCs are often accused of directing whatever reconstruction projects that come their way towards friends and business partners. Of note, a small number of the DCs are viewed as more successful than others because they have personable and charismatic DC Chairmen who have a personal desire to improve the lives of local citizens who reside in their district. Unfortunately, personality can only get a DC so far, and this commodity is in short supply.

District and Qada Councils can increase their governing capacity by developing stronger relationships with the local municipal offices responsible for essential services. Each Qada has a Director General (DG) from the Ministry of Municipalities and Public Works (MMPW) who supervises Sewage, Water and Solid Waste departments for the outlying municipalities. Currently, 15 out of the 20 Nahias are supposed to have some sort of municipal office for services. Each city District has a DG that reports to the Amanat, and has offices for services located in that district. District and Qada Councils are supposed to have some political control over these DGs and may remove and appoint new DGs for cause—however many councils are unaware of this authority or unwilling to use it.

Each local council is supposed to have an 'executive' official appointed to serve as a representative for the Governor in that municipality. Usually called a 'District Director' or 'mayor' for a district and sometimes called 'muldeer' or 'qa'im makam' in the rural qadas, this local 'mayor' is supposed to execute the directives of the Council they serve and direct the efforts of the DGs in that community.

The money

Funding is another issue which has hampered DCs and Qada Councils. During the CPA days, these councils were funded largely by coalition forces. They are no longer directly funded in this way. Additionally, with little revenue stream of their own, these councils have been heavily reliant on coalition sponsorship for the formulation and execution of local essential services and reconstruction projects. As the funding for addi-

tional projects has slowed over time, these councils have been left without a mechanism to maintain the 'support' they have provided to their districts. Many DCs have been unable to shake this dependency on coalition funding and have not been proactive in attempting to move towards moderate self-sufficiency. Many Qada Councils have ceased functioning altogether for periods of time.

It is certain that all of these bodies have important roles to play in local government, but due to factors such as dependency upon coalition support, tension in their relationships to higher councils and confusion over their authority over municipal offices the system has a way to go before it is able to address the needs of all the citizens of Baghdad. Baghdad needs effective administrative and electoral law to create a sustainable system and adequate funding—either from local taxation or from the national government—to support it.

THE AMANAT

The Amanat, or 'City Hall', is the executive authority that provides basic services to the residents of the metropolitan region of Baghdad (population of over 5.5 million), including potable water, waste water treatment, solid waste disposal, urban planning, road maintenance, municipal buildings and parks. The Amanat is one of the largest employers in Baghdad, with over 14,000 employees. The Amanat's prioritization of projects is aimed at addressing the restoration of basic essential services in the short term, then expanding to meet wider needs over the coming few years. The Amanat's list of projects places the highest priority predominantly on water and sewer services.

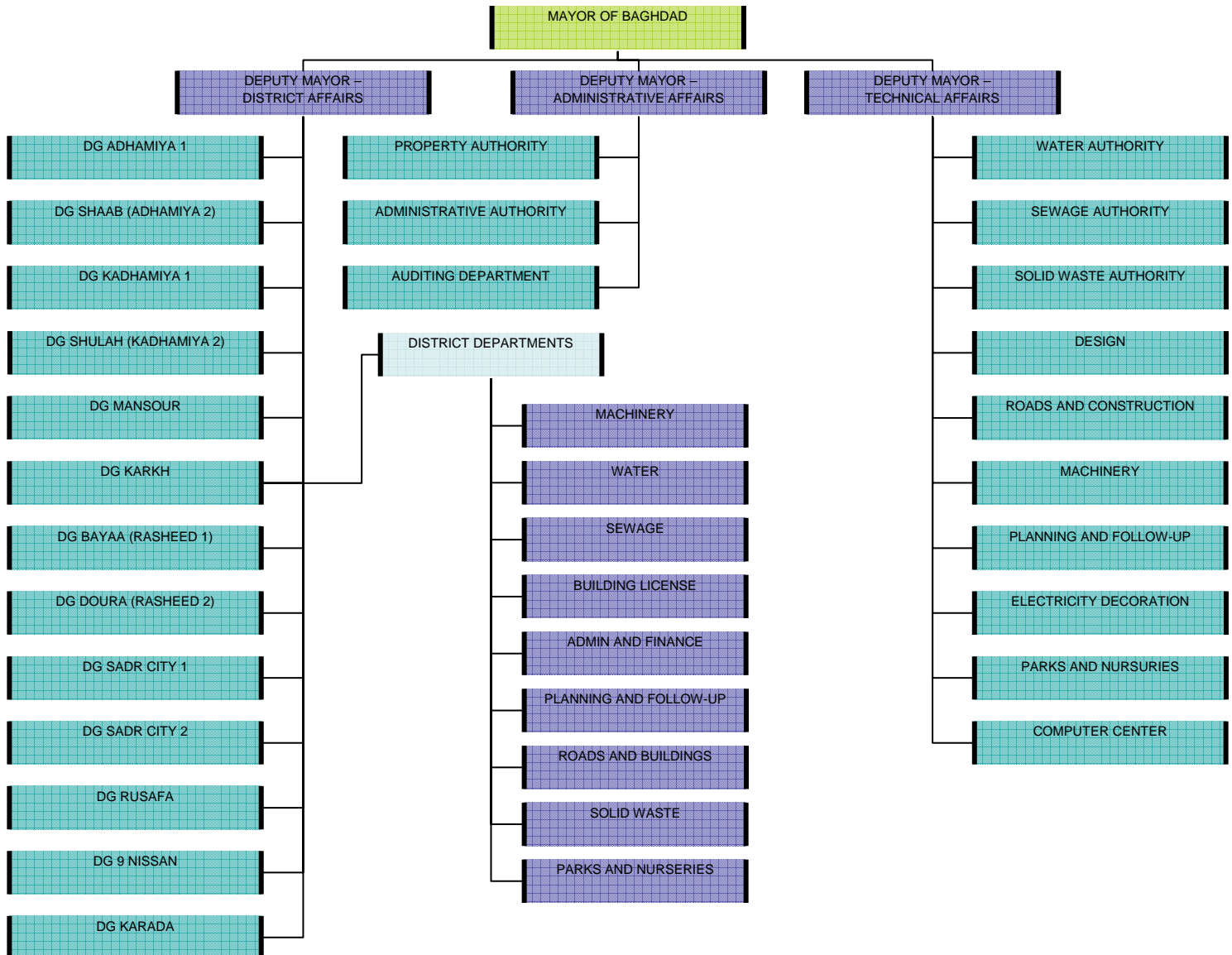
The executive officer of the Amanat and the city administrator is the Mayor ('Amin'). There are three Deputy Mayors, one each for Administrative, District, and Technical affairs. Each Deputy Mayor oversees a number of Director Generals who in turn oversee key sectors of administration of basic services. It is important to note that the 'mayor' of Baghdad city does not have the typical executive authorities that a 'mayor' of a major American city has—his job is more akin to a 'city manager', whose responsibilities are limited to the provision of essential services. The Amanat does not have authority over police, fire or emergency services. And like most politicians in Iraq, the Mayor is not directly accountable to the citizens to keep his job, only his party leadership.

The Amanat is centrally funded from an allocation within the annual national budget. All allocations are prepared by the relevant Inspector General in consultation with the Commissioner for Public Integrity and the President of the Board of Supreme Audit and submitted to the Ministry of Finance. The Ministry of Finance considers the budgetary request and determines the appropriate amount of funding for the forthcoming fiscal year in accordance with the budget preparation process set forth in CPA Order Number 95, Financial Management Law and Public Debt Law. Significant changes in the budget seem imminent, as 2006 saw portions of the Amanat's budget go through the Provincial Council.

Future challenges at the Amanat will continue to include budget shortfalls and the need for experienced administrators. This year's budget will be a dramatic increase over last year's—nearly \$100million more— but the Amanat will still be strained to provide quality services to Baghdad residents. Severe infrastructure problems and the need for massive replacement of inadequate, obsolete and damaged components make the job of the Amanat officials quite demanding. A round of de-Ba'athification which removed some experienced officials and high turnover of city workers has also complicated the Amanat's road to recovery.



THE AMANAT



NOTE: According to the Amanat, there are 13 city districts; Rasheed includes al Bayaa and Doura, Sadr City (Thawra) has 2 sectors, a North and South, and both Adhamiya and Kadhamiya have recently been divided into two sectors.

ALSO: The municipalities of Abu Ghraib and Taji are considered part of the Amanat structure for potable water works. These communities fall under the Baghdad Water Authority, not MMPW.

THE GOVERNORATE

This is a brief overview of the Governor's office and its functions, as well as its relationships with other governmental bodies at the local, provincial and national level. For clarity's sake, this paper will refer to the office that the Governor manages, including all of the staff and departments located there, as the 'Governorate office' to make a distinction between it and the Governor's personal staff.

The government of Baghdad is unique in Iraq due to its size and complexity. While defining some of the responsibilities of local government, CPA Order 71 does not fully define these responsibilities as they pertain to Baghdad's situation. Some adaptation has occurred, and much of the government of the previous regime has been folded into the structure that Order 71 lays out. The following are the key officials of the Governorate and brief descriptions of their duties:

The Governor

As defined by Order 71, the Provincial Governor is the chief executive of the province, tasked with directing, coordinating and implementing the decisions of the Provincial Council. Chosen by the PC, he can also be removed by the PC. The Governor may attend PC meetings, but is a non-voting member.

Baghdad's Governor is **HUSSEIN ALI AL-TAHAN**. He is rarely involved in the day-to-day matters of the PC or attends PC meetings, but he pursues the agenda of the PC in many ways. He holds semi-regular meetings with police chiefs. He meets with key national Ministers and with the Prime Minister's office to advocate for Baghdad province on important issues. Once a week, he holds sessions where members of the public ask him for assistance; he sometimes provides small payments to people out of work or families who have lost a breadwinner. He attends official functions. He has been known to do live call-in television programs where he fields questions from viewers about problems in Baghdad.

The Deputy Governor

The Deputy Governor assists the Governor in the administration of the province and acts in the Governor's absence. Baghdad's Deputy Governor is **QASSIM N'IMA AL-DRAGY**. He coordinates projects with the MMPW and the qa'im makams of the qadas. He meets with Regional Council leaders to discuss their issues. He attends security meetings with police chiefs.

Key departments

The most important offices within the Governorate are the Administrative Department, the Technical Department, the

Finance Department and the Police Situation Room. Each of these offices is staffed to direct and coordinate the various functions of the provincial government.

Services

Just as the Amanat is the office responsible for essential services provision within the 9 city districts, the Governorate can be described as the office responsible for services in the 6 outlying qadas. However, this is not a comprehensive definition of the office. While the Amanat is technically considered a ministry-level organization, the funding for essential services in the qadas comes from the Ministry of Municipalities and Public Works and the DGs for the qadas report to that ministry. The MMPW provides services for every other province, and for the communities of Baghdad not covered by the Amanat (the qadas outside of the city). In discussions with officials of the Governorate, a complicated arrangement exists between the Governorate, the MMPW and the Regional Council in coordinating services. According to Governorate officials, the job of the Regional Council is to identify and describe the problems; it is up to the Governorate to fix them, by coordinating with the MMPW. In a recent meeting with the Deputy Governor, he claimed that next year the budget for services in the qadas will go directly to the Governorate, and not through the MMPW. This would indicate a level of decentralization is being achieved by giving this budgetary authority to provincial government officials, not a ministry.

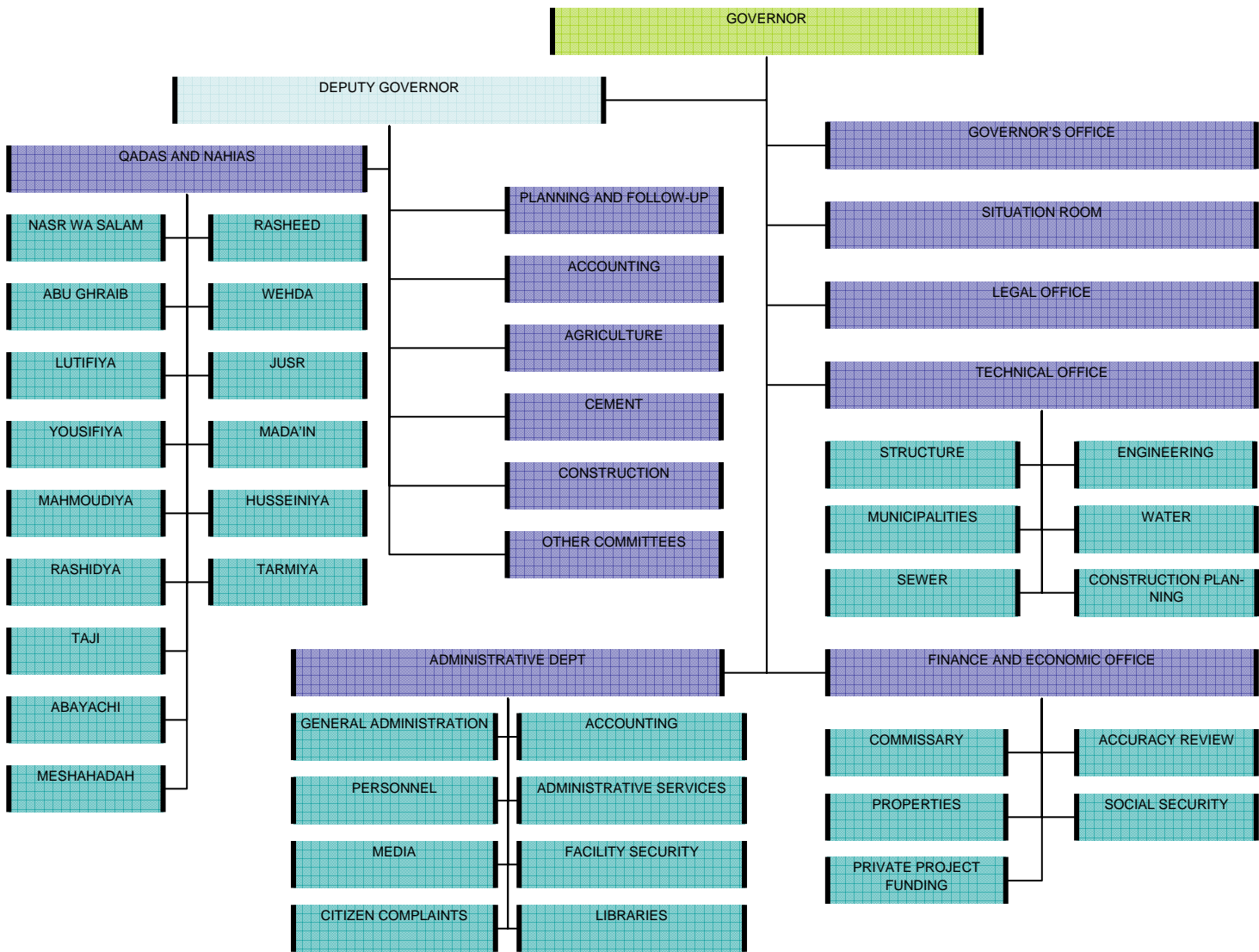
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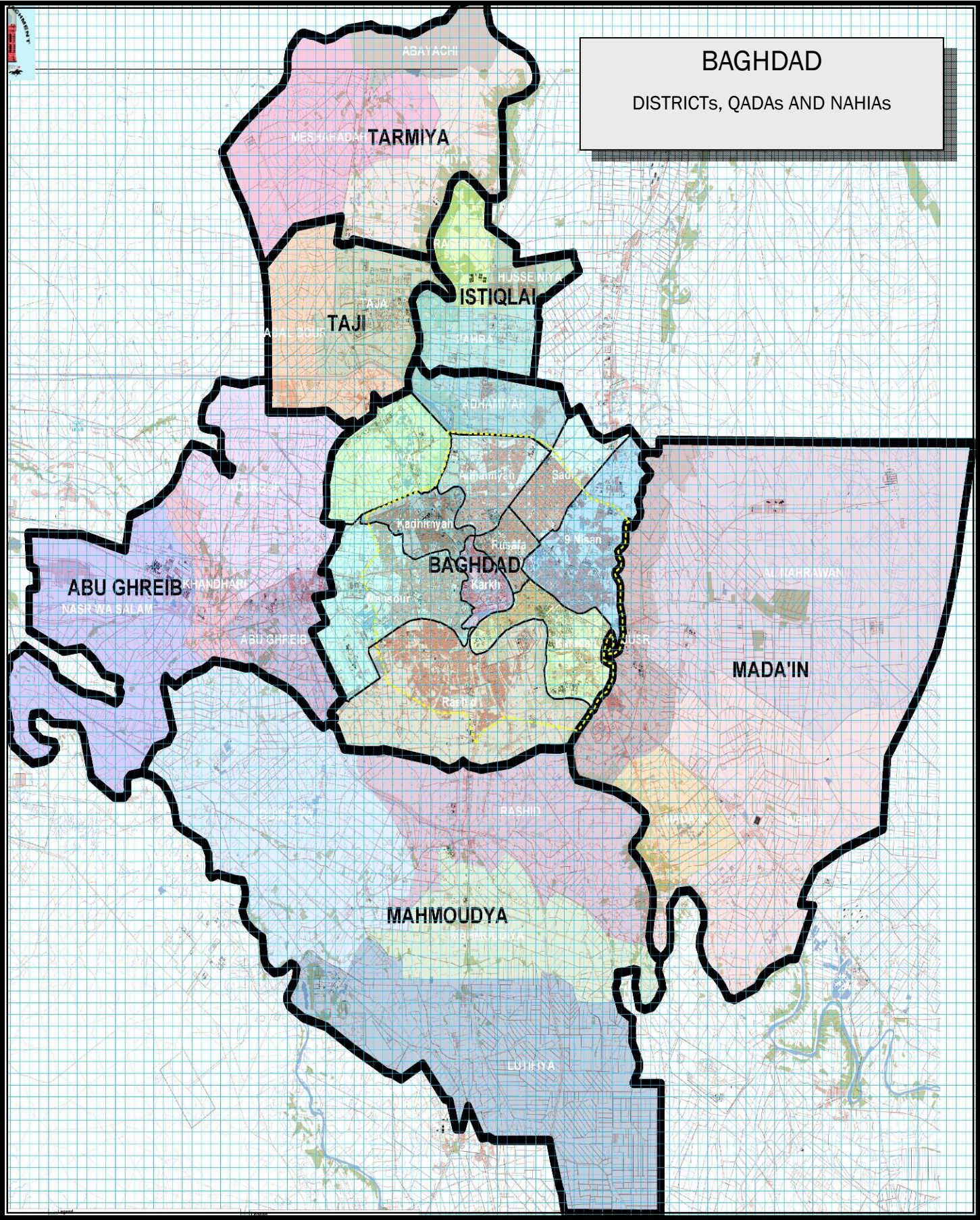
The Governorate also claims responsibility for security issues in the entire province; all police chiefs fall under either the Karkh or Rusafa Chief, and these chiefs fall under the Baghdad Chief (or Director) of Police. These chiefs and their facilities fall under the supervision of the Governor and the Provincial Council (as well as being under the authority of the MOI).

Municipal Administration

The Governorate exercises executive authority throughout the province through oversight of a number of municipal executives, or 'local mayors', called *Qa'im Makams*. A qa'im makam's job involves coordination and oversight of the local DG's, councils and police chiefs. The qa'im makam serves as the Governor's agent in governing the municipalities. Currently, there are 32 qa'im makam assignments in Baghdad, covering the city districts and the communities associated with the outlying nahias.

THE GOVERNORATE





BAGHDAD'S LEADERS



Baghdad Provincial Council Chairman

MUEEN HAMEED ABD AL-MAJED

Mr. Mueen Hameed Abd Al-Majed officially assumed duties as the new Provincial Council Chairman after a special session of the council on 19 December 2005. On the ballot were Mueen, Mazin Makiya and Salah Salem, a prominent Council member from the Da'wa party. This special session came after several weeks of serious debate over the issue. Previously it was agreed that the Chairmanship was to pass hands every six months. Mazin Makiya had held the post since taking office in March. Mueen will now hold the post for six months or until a new round of provincial elections is held.

Chairman Mueen is a member of the SCIRI/Badr list and was elected to the Provincial Council during the 30 January 2005 National/Provincial elections. Mueen serves as the SCIRI party whip at the Provincial Council and drives much of the politics concerning the voting direction of the SCIRI/Badr bloc. It is clearly the most disciplined party organization operating in Baghdad politics. Prior to taking the PC chairmanship, Mueen was the chairman of the PC Administrative committee and was active in former Chairman Mazin's "umbrella policy" with the lower councils of the province. He regularly chaired meetings between PC members and the 15 District and Qada representatives.

Mueen is 44 years old, is married and has three children: a son and a daughter in high school, and a baby girl. He has had some training in mechanical engineering at Baghdad University, but has never professionally used his skills. In the 1980's he lived in Jordan and Syria and eventually moved to Iran where he began an association with SCIRI and the community of Iraqi exiles, working with Ibrahim Jaafari. Many family members were imprisoned by the Saddam regime, and he lost numerous friends and relatives during the Iran-Iraq War. He has discussed some military training he received from SCIRI during his time in Iran. He returned to Iraq in 2003 and was working with SCIRI political leadership in developing their list of candidates for the 2005 election when they suggested adding his name to the Baghdad list. He won a seat on the Baghdad Provincial Council in the January 2005 national/provincial elections and became the head of the SCIRI/Badr bloc. He was chosen to serve as the Deputy Chairman of the PC, and held that position and the chairmanship of the Administration Committee until being selected as Provincial Council Chairman on 19 December 2005.

Chairman Mueen has described what he considers key areas of improvement for Baghdad; he would like to see better coordination between the PC, the Amanat and the municipalities surrounding Baghdad. He sees himself as a strong advocate for more private investment going into the reconstruction effort. He is also actively seeking ways to increase civilian political control over the police and security forces.

BAGHDAD'S LEADERS



Governor of Baghdad Province

HUSSEIN ALI AL-TAHAN

Governor Hussein Ali Al-Tahan is a member of the Badr Organization and was appointed the Governor of Baghdad province on 28 March 2005 by the Provincial Council. Al-Tahan, a Shiite, originally comes from a prominent family from the Karada district. Al-Tahan spent many years in exile in Iran where he became a senior Badr Corps commander and was, at one time, the commander for the Baghdad region, responsible for many military actions against the former regime of Saddam Hussein.

The position of Governor has ceremonial duties; al-Tahan attends official functions and makes a point of 'pressing flesh' with Baghdad citizens. Once a week he accepts visitors from the public who come to him for assistance with a variety of issues. He gives payments to people hurt by terrorists, or to people who have lost breadwinning members of their family. He also assists those looking for jobs. Al-Tahan makes media appearances occasionally and has been known to do live call-in programs. Al-Tahan is involved in a number of activities in addition to those as Governor, to include being the senior SCIRI/Badr representative on the High Commission for De-Baathification.

The Governor's office is also nominally responsible for 'law and order' issues; he provides some oversight to the Baghdad Chief of Police and coordinates with the MOI over the functioning of police stations, a duty he shares with the Provincial Council Security Committee.

Much of the work in the Governor's office revolves around the provision of services to the six outlying qadas of Baghdad. There is a degree of coordination between the Governor, the Deputy Governor, the Regional Council and the Ministry of Municipalities and Public Works (MMPW).

While 'diplomatic' is not a word normally used to describe al-Tahan, his directness makes him an influential administrator for the province. He is obviously well-connected to powerful figures now governing Iraq. His experience in military actions against the former regime has definitely been influential in developing his leadership style.

The Provincial Council directed him to fill in as the Mayor of Baghdad city prior to the final appointment of Dr. Saber to that position. During this time, he took a genuine interest in the essential services operations of the city. Al-Tahan does have a technical background, having graduated from the University of Mosul in 1972 with a degree in Statistics. While he did not run for a seat in the national assembly, he harbors aspirations for higher office and may possibly be chosen by SCIRI/Badr leaders to take a ministry position in the new government.

BAGHDAD'S LEADERS



Mayor of Baghdad City

SABER NABAT AL-ESAWI

Dr. Saber Nabat Al-Esawi was elected to the Provincial Council during the 30 January 2005 National/Provincial elections. He was a candidate on the SCIRI list, but considers himself a political independent and a 'technocrat.' He became Mayor in early October 2005 after his selection by the PC was approved by the Council of Ministers.

Dr. Saber is 37 years old, is married, has 8 children (4 boys and 4 girls) and lives in the Al-Shula neighborhood. Saber has his advanced degree in Agriculture and prior to the fall of the Saddam regime he worked in the Ministry of Agriculture as a seed inspector. In 2003 and 2004 he worked in administration for seed and agricultural companies. He supports scientific research and exchange. Saber is a secular Shia.

Dr. Saber is willing to engage on a variety of substantial issues which affect the essential services of Baghdad city. Prior to assuming duties as the mayor, Dr. Saber was the Chairman of the Essential Services Committee (ESC), a Provincial Council committee appointed to oversee city essential services after the dissolution of the City Council. Dr. Saber was proactive and responsive during his time as chairman and could be counted on when certain sectors of city essential services were mired in red tape and signatures were required.

In conversations with Dr. Saber he has been straightforward, frank and honest in his assessments and opinions. Dr. Saber seems genuinely interested in the improvement of essential services in Baghdad. Although obviously politically astute, he does not appear to seek to use his powerful office for personal aggrandizement.

As a PC member (though with non-voting status), Dr. Saber likely leverages a degree of influence a normal city administrator would not have. In conversations with various members of the PC as well as other influential members of local government, Dr. Saber was considered the third ranking person within the PC prior to his Mayoral appointment. The promotion of a fellow SCIRI to the post of Provincial Council Chairman, Mueen Hameed, ensures that Saber's administration of the Amanat will closely follow the wishes of the SCIRI party leadership.

In September 2005, Dr. Saber survived an assassination attempt while traveling through the Kadhamiyah district of Baghdad. For a short time Dr. Saber removed himself as candidate for Mayor. After some cajoling from then Chairman Mazin, Dr. Saber agreed to remain the PC appointee. Throughout September 2005 the PC waited for a decision from the Council of Ministers (CoM) to approve Dr. Saber so he could legally take office. In the interim, Governor al-Tahan fulfilled the Mayoral duties. On several occasions, the CoM met but did not adjudicate the issue of the Mayors' office. At the same time, the office of the Prime Minister refused to intercede, apparently due to a desire to see a Da'wa party loyalist eventually fill Mayor's position. The PC indicated that it would unilaterally install Dr. Saber as the Mayor if the CoM continued to put off a decision on his status. On 30 September the CoM finally concurred with Dr. Saber filling the position of Mayor.

PROVINCIAL COUNCIL ROSTER 2005-2006	Elected with	Also/now affiliated with	as of APR 06
*Mueen Hameed Abd Al-Majed	(SCIRI)		PC CHAIRMAN
*Mohan Hasham Al-Saidi	(NIC&E)	Sadrlist	PC DEPUTY CHAIRMAN
*Dr. Khaoula Al-Hassany	(SCIRI) F		Legal Committee Chair
(*Dr. Saber Nabat al-Esawi)	(SCIRI)		(took position as MAYOR)
*Dr. Abdul Al-Razak Kadum Ali Zubaidy	(SCIRI)		Education Committee Chair
*Samer Abdul Razzak Kadum	(SCIRI)		Sports&Youth Committee Chair
*Dr. Zeanab Khalel Hussein	(SCIRI)		
(*Atiyah Al-Ugaily)	(SCIRI)	IND	Integrity Committee Chair / (Deputy Mayor for Administration)
*Nail Mohammed Hussein Al-Musawi	(SCIRI)		Human Rights&Religious Affairs Committee co-Chair
*Abdul Al-Kader Abdullah	(SCIRI)		Human Rights&Religious Affairs
*Kamel Mohammed Al-Shabibi	(SCIRI)		Economic Committee Chair
*Ali Mohammed Al-Attar	(SCIRI)		Reconstruction Committee Chair/ESC Committee
*Laith Hassan Sidiq Al-Hadery	(SCIRI)		Human Rights&Religious Affairs Committee co-Chair
*Sabah Dager	(SCIRI)		Security Committee Deputy Chair/ESC Committee
*Majed Abd Al-Jalel	(SCIRI)		Security Committee/ESC Committee (Property and Land)
*Essa Hamood al-Saady	(SCIRI)		Social Security Committee Chair/ Human Rights&RelAff
*Abdul Al-Kadum Kudeir	(SCIRI)		ESC Committee
*Ali Abd Al-Amer Al-Shamma	(SCIRI)		Essential Services Committee Deputy Chair
*Abdul Al-Karem Jabar	(SCIRI)		ESC Committee (Water)
*Nazar Thamer Hatem	(SCIRI)		ESC Committee (Sanitation/Environment)/ Oil Products
*Enam Salah	(SCIRI)		ESC Committee (Sewage)/ Health&Environment Deputy
*Enam Hameed	(SCIRI)		Human Rights&Religious Affairs
*Wala Zalazal Mohammed	(SCIRI)		Council Affairs Office
*Mohammed Jasm Hamood	(SCIRI)	Badr	Security Committee
*Adel Mustafa Barbik	(SCIRI)	(Kurd)	Legal Committee Deputy Chair
*Hana Mohammed	(SCIRI) F		Security Committee/ Human Rights&RelAff
*Shatha Hasham Rustam	(SCIRI) F	(Kurd)	Sports&Youth/ Education/ Social Security
*Abd Allah Herez Leabi Al-Beadany	(SCIRI)		Regional Services Committee Chair/ Agriculture
*Fatima Hassan Al-Mokdady	(SCIRI) F		Civil Society and Women&Children Committee
*Mazin Abdul Al-Wahid Makiya	(Da'wa)	Da'wa Thandreme	
*Riyaad Abdul Allah	(Da'wa)	al-Islah	Security Committee Chair
*Dr. Ebtisam Azez Ali al-Musawy	(Da'wa)		Health&Environment Committee
*Dr. Salah Salem Abdul Razzak	(Da'wa)	Da'wa Markazi	Media&Public Realtions Committee Chair
*Tarek Jahan Bakash	(Da'wa)	(Kurd)	Civil Society and Women&Children Committee Chair
*Ahmed Kadban Al-Saidi	(Da'wa)	Sadrlist	ESC Committee (Water)
*Fatima Hassan al-Araji	(Da'wa) F		Human Rights&RelAff
*Kamel Naser Al-Saidi	(Da'wa)		Essential Services Committee Chair (Sewage)
*Mohan Sajer Al-Fead	(Da'wa)	IND	ESC Committee
*Balqees Mohammed Jawad al-Amery	(Da'wa) F	IND	Human Rights&Religious Affairs
*Zeadan Kalaf Al-Zobaey	(Da'wa)	al-Islah	Education Committee
*Samy Hassan	(NDA)		ESC Committee (Parks and Plants)/ Economic Committee
*Abas Faisel Al-Sahlan	(NDA)		Oil Products Deputy Chair
*Moahsan Kazy	(Fadila)	Hezbollah Iraq	Integrity Committee
(*Naem Abaob Musad Al-Kaby)	(Fadila)	Sadrlist	(Deputy Mayor for Municipalities)
*Mohammed Abd Al-Sadey	(Fadila)		Legal Committee
*Mohand Salman	(Fadila)		
*Kadeja Rasan	(Fadila)	Badr	Civil Society and Women&Children Committee
*Mazen Akrook Al-Shehany (al-Meyahi)	(Fadila)		Security Committee
*Dr. Jumaa Abd Hassan Al-Meyahi	(Al-Bayan) [Ind]		Health&Environment Committee Chair/ Regional Services
*Subhy Abd Al-Sada	(Communist)		
*Mohammed Amen Al-Asady	(Communist)	*won seat in CoR	Legal Committee/ESC Committee (Property and Land)

IRAQ'S NATIONAL LEADERS



PRESIDENT JALAL TALABANI: A leader of Iraq's Kurdish minority, he is serving second term as president. Talabani, born in 1933, founded Patriotic Union of Kurdistan in 1975, one of two main Kurdish parties that fought Saddam Hussein and has jointly ruled Kurds' autonomous zone in north since 1990s. He had open disputes with outgoing prime minister Ibrahim al-Jaafari.



PRIME MINISTER-DESIGNATE JAWAD AL-MALIKI: Veteran leader of Shiite Dawa Party, he spent more than 20 years in exile, mostly in Syria. Since returning, was one of top negotiators for Shiite Muslim bloc in drafting new constitution and was deputy head of committee for purging former Baath Party members from military and government. Born July 1, 1950, in village outside Karbala.



PARLIAMENT SPEAKER MAHMOUD AL-MASHHADANI: Sunni Arab activist with Islamic fundamentalist groups that opposed Saddam's rule in 1980s and 1990s. Born in 1948 in Shiite district of Baghdad, al-Mashhadani trained as doctor was arrested twice by Saddam's regime, in 1980s and 2000. Was elected to parliament as part of main Sunni bloc, Iraqi Accordance Front.



VICE PRESIDENT ADIL ABDUL-MAHDI: A leading member of Supreme Council for the Islamic Revolution in Iraq, biggest Shiite party, he is serving second term as vice president. Born in 1942, he is French-educated son of respected Shiite cleric who was Cabinet minister during Iraq's monarchy.



VICE PRESIDENT TARIQ AL-HASHIMI: Head of Iraqi Islamic party, now under umbrella of Iraqi Accordance Front, first major alliance among Sunni Arabs. Loosely associated with Egypt's fundamentalist Muslim Brotherhood. Born in Baghdad in 1942, strongly opposes autonomous regions in Iraq, supports removing Shiite militiamen from security forces, backs ending Baathist purge.



DEPUTY PARLIAMENT SPEAKER KHALID AL-ATTIYAH: Cleric who is independent lawmaker within Shiite alliance. Born in 1949 outside southern city of Diwaniyah, studied Islamic jurisprudence in holy city of Najaf. Fled Iraq in 1979 after being arrested several times, working in academic and religious institutions. Headed Islamic Studies department at Oxford University 2000-04.



DEPUTY PARLIAMENT SPEAKER AREF TAYFOUR: Leading member of Kurdistan Democratic Party, he spent short periods in exile in Iran and Austria. Returned to northern Kurdistan region when it gained de facto autonomy after 1991 Gulf War and served in KDP's Political Bureau. Born in 1945 in northern city of Sulaimaniyah.

DECENTRALIZATION

A stated goal of USG policy in the reconstruction of Iraq has been to assist with the decentralization of the national government. All governments struggle with ‘subsidiarity’; i.e., the assignment of governing tasks to the most appropriate level of government. The European Union has specifically enshrined subsidiarity as a goal in its proposed Constitution to ensure that local, regional and national governments retain their authority where they are most competent, protecting these areas from being usurped by an all-encompassing super-government based in Brussels. Currently, Iraq is facing the exact opposite challenge—how to effectively spin off the powers of a tightly centralized state to regional, provincial and local authorities. This paper assesses the progress of decentralization in Baghdad province.

Looking at recent examples of provincial/national government exchange offers insight into where decentralization has occurred, and where further progress is needed. There are many institutional and systemic changes that would help Baghdad’s government become more responsive to its citizens.

The Baghdad Provincial Council waited for a decision from the Council of Ministers (CoM) and the Prime Minister’s office in order to install their choice for Mayor of Baghdad city. An approval decision was finally made circa 1 October after several weeks of apparent procrastination by the CoM. Prior to this approval, city administration was in a state of flux while everyone awaited word on the assignment of a permanent Mayor. Historically, the Mayor of Baghdad was considered a ministerial position, but under the current PC’s interpretation of Order 71, the appointment of the Mayor falls to them. Their actions, both in placing a temporary Mayor in office, and then waiting for approval from the CoM shows that a certain degree of ambiguity exists in what authority Baghdad has in appointing its own officials.

Recently, several provinces were prevented by the national government from entering into contracts with, or seeking funding from foreign governments. Former PC Chairman Mazin commented that this national government decree infringed on a province’s right to conduct its own internal activities to improve the areas under its purview. Mazin attributed corruption at various levels of government as motivating this decree; regardless of this factor, it shows that the national government still seeks to control aspects of provincial governance that provinces may feel are justifiably within their realm. Despite official protests by the Provincial Council, the national government has not reversed its decision.

In addition to not being able to seek out funding sources from foreign government sources, the PC and the governorate rely heavily on budgetary support from national ministries such as the Ministry of Finance, Ministry of Municipalities and Public Works, and the Ministry of Provincial Affairs. These ministries determine what funding the province receives and largely control how the money will be spent. With no significant taxation system in place within the province, there does not seem to be an avenue of independent funding for provincial government activities. This fiscal dependence on the national government is arguably the most crucial factor hampering effective decentralization in Iraq.

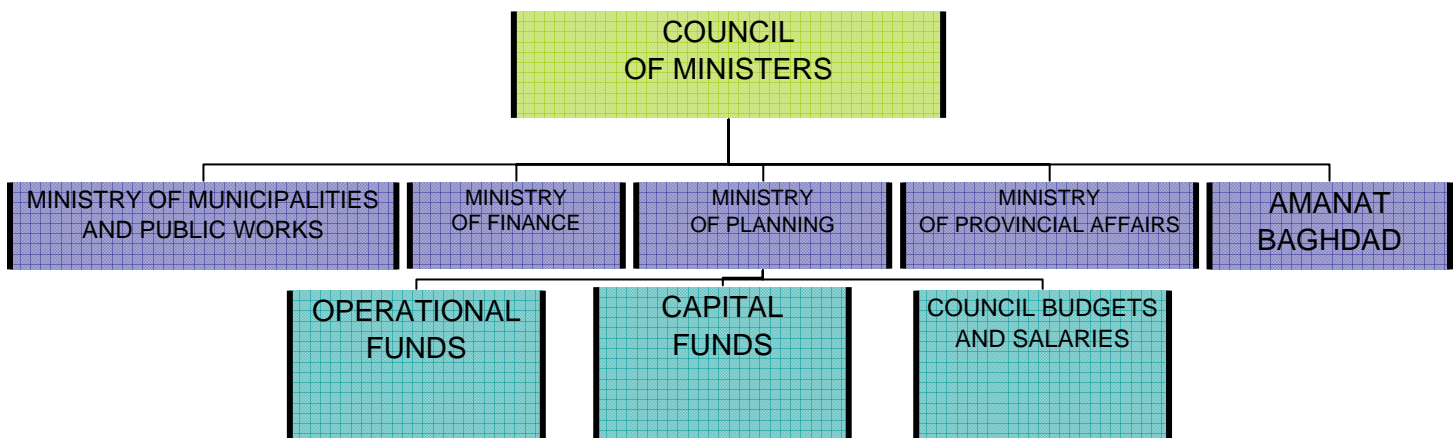
The province also lacks authority in many key sectors of Baghdad city and the outlying Qadas. The PC has no official legal control over the Iraqi police assigned to Baghdad, other than the power to fire police chiefs (although several recent initiatives indicate more authority over recruitment and other powers), has no control of the electrical grid which powers the province, has no control over the fire fighting resources in Baghdad, has no control over the critical public health resources of the province, and does not manage the educational resources for the children of the province. These sectors are all controlled by national level ministries with competing priorities and internal issues of their own.

After the January national elections, a decentralization committee was established to look into ways to em-

Decentralization (cont'd)

power the provincial authorities and lessen national influence over the affairs of the provinces. This committee has not met since early August, purportedly because of preparations for the constitutional referendum. Prior to its current period of inactivity, the committee made few substantial recommendations to the Transitional National Assembly (TNA) for passage into law. Several of the recommendations, such as one to allow the Ministry of Finance to provide budgets directly to the provinces without having to coordinate with the Ministry of Provincial Affairs, proposed decreasing some national control over provinces but did not specifically empower the provinces in any tangible way.

Until a renewed effort is made by the decentralization committee and the provincial government to seek ways to reduce the control national government has on Baghdad province, one could say that Baghdad—does not yet fully control Baghdad. There are efficiencies to be gained in strong centralized government, yet these must be effectively balanced with the need to empower local governments with the ability to directly improve the lives of citizens. This is the primary challenge of a federal system, and the challenge that Iraq's government will face in the months and years to come.



FOLLOWING THE MONEY...

FUNDING IN BAGHDAD involves a complex system of inter-Ministry coordination. The Ministry of Finance is the ultimate source of funding for all government activities in Iraq, and manages the national budget. Both MMPW and the Amanat (considered a ministry-level office) receive budgets from the MoF to provide services to Baghdad communities. The Ministry of Planning is involved when capital investments are considered. The Ministry of Provincial Affairs is also involved in the allocation of funds across provinces.

Iraq's Provincial Councils look to become more involved in budgetary issues as Iraq decentralizes (and if this process is continued). In 2006, the Baghdad PC was given authority over a sizable chunk of the capital expenditures allocated to the MMPW and the Amanat for infrastructure projects in Baghdad province. Other monies were made available to the PC for spending on health and education facilities.

However, let it be noted that there is much about Iraq's fiscal state that is in disarray and budgeting that is untidy; this explanation should not be considered irrefutable.

IRAQI COURTS IN BAGHDAD

[W]e thought that democracy was the highest priority and we measured it by the number of elections we could organize. In hindsight, we should have put the establishment of Rule of Law first, for everything else depends on it: a functioning economy, a free and fair political system, the development of civil society, and public confidence in police and courts.

High Representative Lord Paddy Ashdown, *What I Learned in Bosnia*, Press Office, Office of the High Representative (October 8, 2002) (emphasis added).

From the late 1960s through 2003 deterioration occurred in all aspects of the justice sector in Iraq, from the capacity of the individual professionals working in this sector, to the institutions and structures that administer justice, to the effective coordination among these institutions. Judges and attorneys (among others) lost basic skills and capacities required to effect due process, human rights and justice. Corruption among these individuals became endemic. Key Rule of Law actors, including public prosecutors and defense attorneys, marginalized by the former regime, came to play no substantial role in the legal process.

Viewed from the provincial level, several considerations must be noted regarding Iraqi courts:

A national court system. All courts in Baghdad (and throughout Iraq, for that matter) – from the Baghdad-based Federal Supreme Court to a single-judge “personal status” (family court) or juvenile court tucked into the most remote corner of the province – are *national* courts (or *federal* courts, under the terms of the new constitution). Neither the Baghdad provincial government nor the Amanat has a judicial branch, or establishes or operates any courts.

Baghdad: heart of the Iraqi judiciary. Nevertheless, the center of gravity of the Iraqi judiciary is indeed in Baghdad, the Iraqi national capital. Of the nearly 800 active judges of all courts throughout Iraq, more than 300 of them live and work in Baghdad, which is the seat of:

The **Higher Juridical Council (HJC)** – the administrative office of the Iraqi judiciary;

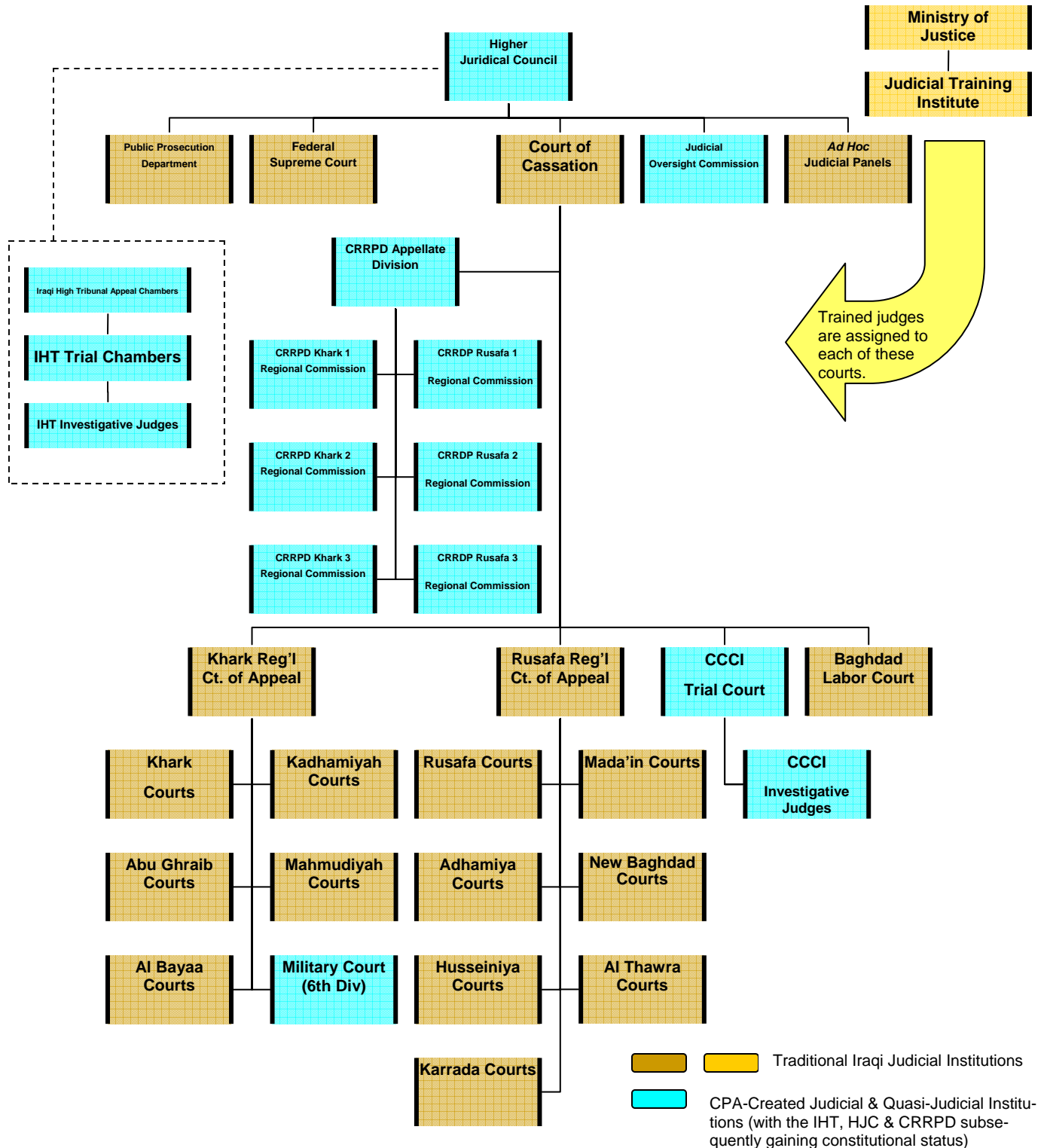
All five “permanent” Iraqi courts with nationwide trial or appellate jurisdiction, in different areas – the **Federal Supreme Court**, the **Court of Cassation** (the senior Iraqi appellate court for most purposes), the **Iraqi High Tribunal (IHT)**; the special war crimes court), the **Central Criminal Court of Iraq (CCCI)**; handling insurgency and public corruption cases); and the Appellate Division of the quasi-judicial **Commission for the Resolution of Real Property Disputes (CRRPD)** (formerly the Iraqi Property Claims Commission (IPCC));

Two of Iraq’s fourteen regional appellate courts – one based in Khark, sitting as the senior court for all other regular Iraqi courts in Baghdad province west of the Tigris; and the other in Rusafa, the senior court for the regular Iraqi courts in Baghdad province east of the Tigris; and

The **Ministry of Justice**, which among other things continues to operate the Baghdad-based Judicial Training Institute, which operates the two-year basic qualification school for all Iraqi judges and prosecutors.

Iraqi Courts in Baghdad (cont'd)

IRAQI FEDERAL JUDICIAL COURT ORGANIZATION IN BAGHDAD PROVINCE



Iraqi Courts in Baghdad (cont'd)

The “regular” Baghdad courts. Baghdad province also contains all the Iraqi “inferior” civil and criminal courts – those courts below the level of, and mostly feeding up through, the Khark and Rusafa regional appellate courts – that comprise the regular Iraqi court system as necessary to administer justice for the one-quarter of the nation’s population that lives in Baghdad province. These courts are situated in 12 court complexes throughout the province and include the following courts: criminal felony trial courts, criminal misdemeanor trial courts, and criminal investigative judges/courts; juvenile courts (for felonies) and juvenile magistrates (for misdemeanors); civil courts of “first instance”; and “personal status” (or family law) courts.

Significance of the “civil code” judicial system. Iraqi courts are organized and operate under a Continental European “civil code” system, strongly affected by traditional Arabic and Islamic influences, rather than an Anglo-American “common law” system. While this has many practical consequences outside the scope of this paper, among them are:

Prosecutors in Iraqi criminal courts are employees of the courts, and not the separate representatives of the executive. There is a right to appointed private defense counsel under Iraqi law for indigent criminal defendants – and since 2004 small funded legal aid programs operating in Baghdad civil and criminal courts have been backed with international support – but it is entirely unclear the extent to which the right to counsel in criminal cases is honored in Baghdad courts, or the quality of this representation when it is honored.

There are no jury trials in Iraq – *all* cases are decided by judges, and Iraqi judges take a much more central and controlling role in the conduct of both civil and criminal cases than is the case in the Anglo-American tradition, with lawyers for the parties in Iraq playing a relatively lesser role.

Shari’a courts in Baghdad? There are reports of the emergence during late 2005-early 2006 in Baghdad, particularly in Sadr City, of a network of informal “Shari’a courts.” In some Islamic nations such courts, presided over by religious authorities, are formally integrated into the national court system, with specific authorities – and limitations on authorities – carefully set out in law. In Iraq there is no lawful provision for the operation of such courts. That does not mean Shari’a courts are an inherently problematic phenomenon – they may serve a useful, limited purpose as a traditional mechanism for informal dispute resolution. However, there is a danger that they may operate to displace the formal justice system altogether, operating in a wholly non-transparent fashion, meting out harsh punishments inconsistent with Iraqi law, and affirmatively undermining development of the Rule of Law in Baghdad and in greater Iraq.

Important foundational progress in judicial and rule of law reform has been made since 2003, but little of it is felt by average Baghdad or Iraqi citizens. Most regular courts in Baghdad (and throughout Iraq) that ceased to function during the 2003 war or in its aftermath have resumed functioning – at least at some level, but often in makeshift or otherwise inadequate facilities, although some judicial facility renovation in Baghdad has been accomplished with international support. And a number of new judicial and quasi-judicial structures have been added to the Iraqi judicial system, as depicted in the chart on the previous page.

Deficiencies in legal education and judicial and attorney training have created an under-performing legal community often ignorant of the rights of their clients and deficient in basic legal and advocacy skills. Iraqi judges, legal professionals and citizens have little knowledge or experience of human rights principles and practice. This lack of awareness of civil and human rights by both the professional legal community and the broader civilian population has contributed to a culture in which abuses at the hands of police, prison guards and judicial officials are widely expected, and accepted. And much of Iraqi society, disenfranchised for many years from

Iraqi Courts in Baghdad (cont'd)

access to meaningful judicial remedies, remain ignorant and disbelieving of their rights under both Iraqi and international law, and unable effectively to advocate for those rights.

As the year 2006 commences and a permanent Iraqi government elected under the new constitution forms to take office, Iraqi justice sector institutions in Baghdad – including the courts and the national ministries that lead and administer all key justice sector institutions – still suffer from lack of capacity and accountability, and widespread abuse. Iraqi courts do function at some level in most of Baghdad and in fact throughout the country, but notwithstanding recent efforts (especially in Baghdad) to provide the courts with infusions of information technology equipment (IT) and training, most courts still operate entirely on paper records, with primitive case management systems, and lack adequate facilities, equipment, resources and support staff. The institutions, ministries and leadership that govern these institutions are just beginning to develop policies and procedures that will sustain their institutions, but mostly do not yet have the capacity – and sometimes lack the will – to administer them in a planned, sustainable, accountable and transparent manner. In addition to their individual shortcomings, the courts also continue to suffer from an additional level of ineffectiveness due to their lack of integrated policies and procedures effectively linking them to the police and detention/prison facilities, their tendency to compete for power and financial resources, and their failure to gain the full trust of the Baghdad and Iraqi population.

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24 February 2006

See Constitution of the Republic of Iraq (2005), Art. 89. While the constitution suggests that *regional* governments have the authority to establish their own court systems, *see id.*, Art. 121, no similar authority is expressly contemplated in the constitution for provincial governments. The establishment of the courts in Iraq as a third, independent branch of government is a very recent phenomenon – first decided in 2003 by the Coalition Provisional Authority (CPA), *see* CPA Order No. 35, Re-Establishment of the Council of Judges (13 September 2003), and now confirmed by the new constitution. *See* Constitution of the Republic of Iraq (2005), Arts. 87-89. Prior to 2003, Iraqi courts fell under the supervision of the national Ministry of Justice, and thus of the executive branch. Iraqi courts and judges still are very much in transition toward true independence as a separate branch of government.

See, e.g., A Village Laid Waste: This is Al-Sadr's Law for Unfaithful, DAILY TELEGRAPH (London) (18 April 2004) (describing Shari'a law imposed by the Mahdi Army in Najaf in 2004, imposing harsh punishments unauthorized by Iraqi law for conduct often not violating Iraqi law, including ordering illegal arrests and torture), online at <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2004/04/18/wirq218.xml>.

NATIONAL MINISTRIES**Ministries**

1. Agriculture
2. Capital Markets
3. Communications
4. Construction and Housing
5. Culture
6. Defense
7. Displacement and Migration
8. Education
9. Electricity
10. Environment
11. Finance
12. Foreign Affairs
13. Health
14. Higher Education
15. Human Rights
16. Industry and Minerals
17. Interior
18. Justice
19. Labor and Social Affairs
20. Municipalities and Public Works
21. Oil
22. Planning and Development
23. Private Sector Development
24. Science and Technology
25. Trade
26. Transportation
27. Water
28. Youth and Sports

Other Cabinet Positions

29. State for Civil Society
30. State for National Assembly Affairs
31. State for National Security Affairs
32. State for Provinces
33. State for Tourism and Antiques
34. State for Women's Affairs
35. Commission on Public Integrity

National Ministries (cont'd)

IRAQ'S MINISTRIES and IRMO (Iraq Reconstruction Management Office)

Agriculture

The Iraqi Ministry of Agriculture (Iraqi MoA) is responsible for planning, implementation, and oversight in the following areas:

1. Plant and animal (including fisheries) research and development;
2. Agricultural extension;
3. Veterinary services;
4. Policy development;
5. Agricultural economics and statistics; and
6. Regulation and quarantine.

There are over 10,000 Ministry employees throughout Iraq at offices in Baghdad, Al Hilla, Al Ramadi, Tikrit, Simauta, Kirkuk, Nasirah, Al Kut, Najaf, Baquba, Diwania, Basrah, Mosul, Umara, and Karbala.

Consultants in the IRMO Office of Agriculture advise the Iraqi MoA in the areas of:

Broad ranging strategic advice on rehabilitation issues (of Iraqi MoA infrastructure), sectoral framework, market liberalization policy, pricing policy, and a credit system reform policy;

Institutional reform programs for the Iraqi MoA;

Development of transition strategies, financing strategies, and an agricultural investment plan;

Transition to a market-based distribution system and identification of sub-sectors requiring assistance;

Liaison with international donors, in particular with international finance institutions, over broader economic reform strategies;

Provide critical support to develop areas for training and selection of Iraqi MoA candidates for international training programs.

Capital Markets

The Capital Markets Ministry is comprised of three new capital markets institutions: (1) the newly constituted Iraq Securities Commission ("ISC"); (2) the Iraq Stock Exchange ("ISX"); and (3) the Iraq Depository.

IRMO advises the ISX, ISC and ID on key areas such as: establishing a legal and regulatory framework in conformance with international practices as set forth in the International Organization of Securities Commission principles for capital markets; establishing internal regulations to

facilitate the new self-regulatory function of the ISX and the oversight regulatory function of the ISC; establishing a robust enforcement process both at the ISX and ISC to deal with financial crimes, including working on drafting laws for the government's consideration relating to financial crimes.

Communications

The Iraqi Ministry of Communications (MoC) is responsible for providing basic telecommunications services to the public, government, and local businesses. The MoC also provides postal service to the general public and manages postal savings accounts. It also runs the State Company for Internet Services and represents Iraq at international organization such as the International Telecommunications Union (ITU) and the Universal Postal Union (IPU).

IRMO advises the Iraqi MoC in the following key areas: development of communications, financial and management processes, creation of a telecommunications plan for the nation; business reorganization, product development, costing and international tariffing for phone systems; development of postal delivery schemes and international mail processes; project management training.

Construction and Housing

The Iraq Ministry of Construction and Housing (MoCH) is responsible for the oversight of policy and planning for important aspects of the Iraqi construction and housing system, including roads and bridges external to municipalities, housing and public buildings.

IRMO advises the MoCH in the following key areas: relationship with IRMO and the MNF-I relative to construction projects and regulatory issues, management of technology transfer and training alternatives, funding requests and sources, Ministry and SOE capacity building, development of relationships with DOS Mission Specialists, and strategic planning and process development across all Ministry functions.

Culture

The Iraqi Ministry of Culture (MoC) is responsible for the preservation and protection of all the cultural heritage of Iraq. Cultural heritage encompasses cultural institutions such as museums and libraries. Because Iraq is an ancient land, it also encompasses over 10,000 archaeological sites and standing historical monuments. Besides the protection of cultural monuments and traditions, the ministry is responsible for the development of a tourist sector that is certain to become a major contribution to the economy of Iraq in the future.

The office of the Senior Consultant for Culture at IRMO works with the Ministry in several key areas. These include the renovation and preservation of museums and libraries, cultural heritage management, archaeological site protection, general management and donor coordination.

National Ministries (cont'd)

Defense

Displacement and Migration

The Iraqi Ministry of Displacement and Migration (MoDM) is responsible for all matters pertaining to Iraqi refugees and displaced persons, including all non-Iraqi refugees residing within Iraq. The ministry is responsible for developing and implementing policies and programs to address the care, repatriation, relocation, resettlement, and reintegration of these populations. This is done largely through cooperation with other Iraqi ministries and international organizations, which provide the services necessary to meet these objectives. Also, under CPA Regulation 8 that established the Iraq Property Claims Commission (IPCC), the MoDM with the IPCC are jointly responsible for finding housing and livelihood solutions for the persons who will be displaced as a result of the IPCC process

Education

The Iraqi Ministry of Education (MoE) is responsible for the oversight of policy and planning and the security of the Iraqi Education system. The MoE includes over 20,000 schools, administrative offices, and educational facilities nationwide, serving approximately 6,450,220 K-12 students. The MoE provides responsible and adequate curriculum standards, textbooks, and supplies for approximately 370,000 teachers. It provides oversight of the administrative staff and training to support the teachers in order to ensure an education that serves the child and prepares them to be responsible, contributing, educated members of society.

The role of IRMO Senior Consultant for Education was absorbed into the functions of the U.S. Embassy Cultural Affairs Office. In this revised capacity, the Senior Consultant coordinates bilateral assistance for education consistent with the Ministry's priorities of restoration of education infrastructure and the management of education processes.

Electricity

The Iraqi Ministry of Electricity (MoE) is responsible for policy, planning, and implementation of the Iraqi electrical system, including generation, transmission, distribution, communication and control and infrastructure security.

IRMO consults to the MoE in the following key areas: generation, transmission, distribution, communication and control, energy policy, infrastructure security, HQ management, and financial controls.

Environment

The Iraqi Ministry of Environment (MoEN) is responsible for the oversight of policy, planning, regulation and enforcement of controls on matters that affect the environment in the country. The Ministry interacts with the Ministry of Municipalities and Public Works and, to a lesser degree, with the Ministry of Water Resources.

IRMO advises the Iraqi Ministry of Environment in organization, facilities, and programs, as well as education for the populace and industry. It

advises on interface with other ministries and dealing with matters that affect the Ministry of Environment's own programs. Assistance in drafting of a new environmental law and regulations are a high priority. IRMO also advises on the financing of Ministry programs from both within the IIG as well as from outside international and NGO sources.

Finance

Foreign Affairs

Health

The Iraqi Ministry of Health (MOH) is responsible for the oversight of policy, planning and operation for all aspects of the Iraqi health care system, including the purchasing, storage and distribution of pharmaceuticals and medical supplies.

IRMO provides support to the Minister of Health in the following key areas: administrative and managerial guidance, oversight and execution of IRRF-funded reconstruction projects, development of partnerships and coordination with donors for reconstruction efforts, coordination between MNF-I and the MoH for support of current military and security operations, facilitation of communication and information flow among the MoH, the Coalition, the U.S. Embassy, third-countries and international organizations.

Higher Education

The Ministry of Higher Education and Scientific Research (MHESR) is responsible for the public Higher Education sector that consists of 22 universities, 46 institutes or colleges within the Community College systems, 2 Commissions and 2 Research Centers.

The role of IRMO Senior Consultant for Higher Education was absorbed into the functions of the U.S. Embassy Cultural Affairs Office. The Senior Consultant coordinates bilateral assistance for higher education consistent with the ministry's priorities of increased educational exchanges for students, faculty and administration; projects to refurbish the universities' science and computer laboratories; and access to current journals, text books and library books.

Human Rights

The Iraqi Ministry of Human rights is responsible for the development and implementation of a human rights policy in Iraq.

IRMO advises the Ministry on questions of management and development and how to fulfill its mandate.

Industry and Minerals

The Iraq Ministry of Industry and Minerals (MIM) is responsible for the

National Ministries (cont'd)

oversight of policy, planning and development of the Iraqi industrial base. Throughout the years, that has meant the industrial State Owned Enterprises (SOE) oversight and management but it will now start to focus on private sector industrial development as well.

Interior

The Iraqi Ministry of Interior (MoI) is responsible for the internal security of Iraq. MoI commands a number of uniformed forces, including the Iraqi Police Service (IPS), Department of Border Enforcement (DBE), Special Police (ISP), and Bureau of Dignitary Protection (BDP). MoI also runs the Iraqi Civil Defense Directorate (ICDD, Iraq's firefighters and emergency response organization) and oversees and sets standards for the Facilities Protection Service (FPS). Finally, MoI also has criminal/domestic intelligence capabilities, and it regulates Private Security Companies operating in Iraq.

IRMO advises the Iraqi Ministry of Interior in the following key areas: Institution Building, Police and Borders Operations, Intelligence Operations, Budget Development, Administrative Methods, and National Security Issues.

Justice

The Iraqi Ministry of Justice is responsible for operation of the prisons, acting through the Iraqi Corrections Service, for training for judges and prosecutors, for notaries public, and land registration offices throughout Iraq.

Labor and Social Affairs

The Iraqi Ministry of Labor and Social Affairs (MOLSA) encompasses three major areas: social security, social welfare, and labor (employment and training).

IRMO advises the Iraqi MOLSA in the following key areas: establishment of employment services and vocational education centers; coordination and interaction with social care institutions and NGOs; and advising with respect to policy and implementation of social security pension system.

Municipalities and Public Works

The Ministry of Municipalities and Public Works (MMPW) is responsible for water supply and sanitation, solid waste management (trash removal), urban roads, urban planning, and municipal services (including managing government property) everywhere in Iraq except for the City of Baghdad and the Kurdistan Region. Ministry personnel are responsible for managing approximately 1,400 water and sewerage treatment facilities and their associated networks and well over 5,000 properties (including local parks). The Ministry was also given the job of processing stipends for Governors and council members, the process for which has been streamlined since transition.

MMPW is responsible only for the 15 southern governorates, but does

manage a key nationwide job creation program and also has taken care to include the Kurdistan Regional Government in planning for international donor programs.

IRMO advises the Iraqi Ministry of Municipalities and Public Works in the following key areas: restoration of infrastructure; management of processes; capacity development; decentralization; HQ management and financial controls.

Oil

The Iraqi Ministry of Oil (MoO) is responsible for overall direction and day-to-day operation of the Iraqi petroleum industry. MoO functions as a fully integrated oil company with 1) exploration and production of crude oil, natural gas and condensate, and gas liquids; 2) refining; 3) transportation and distribution, including pipelines, terminals, transport trucks, and service stations for transportation and distribution of crude and finished products; (4) marketing and supply for crude oil or finished products; (5) security for MoO assets; and (6) represent Iraq to international bodies, as appropriate.

IRMO consults with the MoO primarily in support of restoration of petroleum infrastructure and prioritization of U.S. supplemental funds projects. IRMO also supports the Ministry by providing assistance in the restructuring of ministry and State Owned Enterprises (SOEs); strategic plans; fuels and fuels logistics; security and corporate governance. However, the ever-increasing independence of the MoO and the political reality of needing to appear independent of the US Mission require IRMO to play a less visible role in the operation of the Ministry.

Planning and Development

The Ministry of Planning and Development Cooperation has responsibility for planning and prioritizing development and reconstruction activities in Iraq, principally through its role in donor coordination and in the preparation of the capital budget. Within the Ministry are a number of specialized agencies: the Central Organization for Statistics and Information Technology (COSIT), the Central Organization for Standardization and Quality Control, the De-Mining Commission, the NGO registration office and the National Centre for Administrative and Technological Development. The Ministry is also home to the Foreign Investment Promotion Unit and the Economic and Social Fund, which grants loans to small business.

IRMO advises the Iraqi Ministry of Planning and Development Cooperation in the following key areas: planning and development priority setting; liaison with bilateral and multilateral donors; management of donor coordination mechanisms; strengthening organizational capacity of the Ministry and registration of and liaison with NGOs.

Private Sector Development

The Office of Private Sector Development (OPSD) within the Iraq Reconstruction

Management Office (IRMO) deals directly with Iraqi and international companies, banks, investors, Iraqi Ministries, the U.S. military, U.S. agen-

National Ministries (cont'd)

cies, and multilateral organizations to accelerate the growth of the non-oil private sector, promote pro-market government policies, and enhance security through job creation and business development activities.

Note: there is no Iraqi counterpart ministry or commission with the exact same mission as the OPSD. However this office is the USG's direct relationship link with the Iraq Securities Commission and the Iraq Stock Exchange and has numerous initiatives with each of the entities.

Science and Technology

The Iraqi Ministry of Science and Technology (MoST) is responsible for planning and oversight of national level research and development programs and other specialized programs that fall within their technical expertise.

IRMO advises the Iraqi Ministry of Science and Technology in the following key areas: development of a Chief Information Officer program and infrastructure; establishment of Iraq Non-proliferation Programs Foundation (INPF), Iraqi Radioactive Source Regulatory Authority (IRSRA), and Iraq Food and Water Regulatory Agency (IFWRA); effectiveness of MoST Facilities Protection Service security; operations and security of controlled radioactive material stored at Tuwaiha research facility; headquarters management and financial controls.

Trade

The purpose of Ministry of Trade is to facilitate, encourage, enhance and promote commercial life and activity in Iraq by acting as a service and support structure for the domestic and international commercial and trading sector. It should do so by the vigorous pursuit of policies that will develop and maintain a correct framework for a vibrant and productive enterprise sector within the broad guidelines of a market-oriented competitive economy that is open to the world.

At present the Ministry is a conglomeration of state owned enterprises and also operates and manages the Public Distribution System (PDS) which provides a monthly food ration supplying 2000 calories per day for every man, woman, and child in Iraq. It also owns and operates seven state owned enterprises three of which—the food stuffs company, the grain storage company, and the grain milling company—are closely associated with the with the Public Distribution System. Most of the Ministry's 3000 trucks and 400 warehouses are also dedicated to the PDS.

IRMO advises the Iraqi Ministry of Trade in the following key areas: computerization and telecommunications, financial management of the Ministry and its state owned enterprises; reform and general management of state owned enterprises; procurement including legal advice on international contracting, importing, and logistics and all aspects of supply chain management relating to the Public Distribution System; trade promotion and promotion of foreign direct investment; WTO accession; export licensing; and advisory services for private sector business development and growth.

Transportation

The Iraqi Ministry of Transportation (MoT) is responsible for the oversight of policy and planning for the Iraqi transportation system, including aviation, maritime, and railway. While the Ministry of Housing and Construction is responsible for highways and highway bridges, MoT is responsible for highway conveyances including trucks, buses, taxis, and rental cars.

In coordination with the U.S. Embassy's Minister Counselor for Transportation, IRMO advises the Iraqi Ministry of Transportation in the following key areas: restoration of transportation infrastructure; management of transportation processes; HQ management and financial controls; transportation security; strategic inter-modal transportation planning.

Water

The Iraqi Ministry of Water Resources (MoWR) provides integrated water management of surface and groundwater supplies to the citizens of Iraq. The MoWR strives to balance the competing demands of irrigation, municipal and industrial water supply, hydropower, flood control, and environmental needs including marsh restoration. The Ministry coordinates closely with the Ministries of Municipalities and Public Works, Electricity, Agriculture, Environment, and Industry in carrying out this mission.

IRMO advises the Iraqi Ministry of Water Resources in the following key areas: restoration of infrastructure; management of processes; HQ management and financial controls.

Youth and Sports

The Iraqi Ministry of Youth and Sports (MoYS) focuses on providing informal education and free-time activities, through its existing 165 youth centers across Iraq, for young Iraqis. Approximately 450 sports clubs nationwide offer the freedom to develop and ensure equality of opportunity to youth for mass participation in a wide variety of team sports and individual athletic disciplines.

IRMO MoYS handles two different organizational structures – the Iraqi Ministry of Youth & Sports is one structure, and the National Olympic Committee of Iraq (NOCI) and the National Sports Federations and Sports Clubs, is the other.

The MoYS has approx 3,000 employees and is responsible for 165 Youth Centers and 450 Sports Clubs nationwide, spread according to population, as well as all community and neighborhood sports activities. IRMO advises the MoYS in the following key areas: rehabilitation, equipment, and running of the Youth Centers and sport clubs; training Ministry staff in Financial Management, Project Management, Computer Literacy, Youth Program, Development; HQ management and financial controls. IRMO is also advising the MoYS on youth centers and helping them to offer programs for children, youth, and adults.

National Ministries (cont'd)

State for Civil Society

State for National Assembly Affairs

State for National Security Affairs

State for Provinces

State for Tourism and Antiques

State for Women's Affairs

Commission on Public Integrity

The Commission on Public Integrity (CPI) is dedicated to preventing and investigating corruption in all levels of the Iraqi government nationwide. It is the coordinating umbrella organization for the other two pillars (The Board of Supreme Audit and Inspector General Program) of the national strategic anticorruption campaign. CPI also seeks to promote demand for open, honest and accountable government through public education and awareness programs.

IRMO advises the Commission on Public Integrity in the following key areas: detecting, investigating, and prosecuting corrupt activities of government employees; handling anonymous allegations and protecting identified informants; implementing and monitoring compliance with a financial disclosure campaign; assisting in promulgating and administering the Code of Conduct to be signed by all state government workers; establishing programs to increase government transparency; conducting public awareness and education programs; strengthening relationships with international anticorruption organizations; and proposing future anti-corruption legislation as necessary.

FROM IRMO, THE IRAQ RECONSTRUCTION MANAGEMENT OFFICE

ELECTIONS IN IRAQ

NATIONAL ELECTIONS

The December 15 election was—similar to the January election—a closed party-list vote. Parties and coalitions of parties ranked their candidates on a list. That party or coalition had a place on the ballot in each province where they were properly registered with the Independent Electoral Commission of Iraq (IECI). Voters chose which party or coalition they preferred. Votes were tallied and seats in the Council of Representatives were allocated to the winning parties. Their candidates took seats according to how they were ranked on their party's list. The main difference between the December and the January election is the fact that instead of Iraq being considered one single electoral district as in January, seats in the national assembly were allocated to each of the 18 provinces.

The Council of Representatives is composed of 275 members; 230 seats distributed to provinces according to population and 45 compensatory seats for parties that could not win seats in a single province, but that achieved a sufficient number of votes nationwide. Baghdad province has been allocated 59 seats on the Council according to its population of voters.

Winning parties were allocated seats based upon a 'quota formula'. The total number of valid votes cast was divided by the number of seats allocated to that province. That number is the 'election quota'. The total number of votes obtained by each party was divided by the election quota for that province and that result determined how many seats that party got. Any remaining seats got allocated by largest remainders.

For compensatory seats, a 'national average' was determined by dividing the total number of valid votes in Iraq by the number of seats in the Council (275). This number is the average number of votes each seat represents. If a party won more votes than this 'national average', but was not able to win one of the seats in the provinces, it was awarded one or more of the compensatory seats.

PROVINCIAL ELECTIONS

Elections for provincial councils were last held in conjunction with the January 2005 elections for the Transitional National Assembly. Although the TNA passed legislation indicating that a new round of provincial elections would be held two months after the seating of the permanent government, this is unlikely to happen. Much legislation needs to be passed, and the mandate of the IECI needs to be extended or a permanent electoral body instituted.

LOCAL ELECTIONS

The renewal of the sub-provincial councils is a charged political issue. Originally chosen in community caucuses, these members are not viewed as legitimately elected by many. The Baghdad Provincial Council attempted to hold local elections several times in 2005, but were thwarted by pressure from local leaders, as well as the significant security and logistic challenge that such an endeavor would take. Parties currently in power see holding new elections for these offices as a way to clear out these largely independent local leaders in favor of party loyalists. It is unclear how and when local elections might occur.

Summary of the 15 December 2005 National Assembly of Iraq election results

Alliances and parties	Votes	%	Seats	Gain/ loss
United Iraqi Alliance	5,021,137	41.2	128	-12
Democratic Patriotic Alliance of Kurdistan	2,642,172	21.7	53	-22
Iraqi Accord Front	1,840,216	15.1	44	+44
Iraqi National List	977'325	8.0	25	-15
Iraqi National Dialogue Front	499,963	4.1	11	+11
Kurdistan Islamic Union	157,688	1.3	5	+5
The Upholders of the Message (<i>Al-Risaliyun</i>)	145,028	1.2	2	+2
Reconciliation and Liberation Bloc	129,847	1.1	3	+2
Turkmen Front	87,993	0.7	1	-2
Rafidain List	47,263	0.4	1	0
Mithal al-Alusi List	32,245	0.3	1	+1
Al Ezediah Movement for Progressing and Reform	21,908	0.2	1	+1
National Independent Cadres and Elites			0	-3
Islamic Action Organization In Iraq - Central Command			0	-2
National Democratic Alliance			0	-1
Total (turnout 79.6 %)	12,396,631		275	

POLITICAL PARTIES

Supreme Council for the Islamic Revolution in Iraq (SCIRI) – Abdul Aziz Al-Hakim. Founded in 1982 and arguably the largest Shi'ite political group in Iraq. Led by Muhammad Baqir al-Hakim until his assassination in August 2003. SCIRI is now led by Abd al-Aziz al-Hakim, who served on the Iraqi Governing Council. It was largely based in Tehran and strengthened its Iranian ties during the Iran-Iraq War. With the fall of Saddam in 2003, SCIRI quickly rose to prominence, working closely with the other Shi'ite parties. The party leaders toned down many of party beliefs and committed it to democracy and peaceful cooperation. SCIRI's power base is in the Shi'a-majority southern Iraq. It still has an armed wing, the Badr Corps or **Badr Organization**, with an estimated strength of between 4,000 and 10,000 men. SCIRI and Badr joined the United Iraqi Alliance list for the general election on January 30, 2005 but filed separate lists in some governorate council elections including Baghdad held on the same day.

The **Badr Organization**, (sometimes Badr Corps or Badr Brigades) SCIRI's armed wing, was formed in 1983 and headed by Hadi al-Amiri. It claimed to have 10,000 members inside Iraq at the start of Operation Iraqi Freedom. The group welcomed UN Security Council Resolution 1546 and the formation of the Iraqi interim government. Recent Arab media reports put SCIRI and Badr at odds with Muqtada al-Sadr for his militia's activities. Badr has become increasingly autonomous as a political entity.

Islamic Da'wa Party – Ibrahim Al-Jafaari. Founded in 1957, the Al-Da'wah Party began contacts with the United States on 14 October 2002. Shi'a dominated party, although it claims some Sunni members. Initially established as a religious-political group to oppose communism in Iraq. Strongly influenced by Muhammad Baqr al-Sadr, who promoted an Islamic state – meaning governed according to the tenets of Islamic law – but not on the style of vilayat al-faqih, as in Iran. Many prominent Iraqi Shi'a participated in the party in its early years: Muhammad Bahr al-Ulum, Kazim Husayni al-Ha'iri, Muhsin al-Hakim, Mahdi al-Hakim. Al-Sadr left the party in the early 1960s. For years the main opposition party to Saddam Hussein's Ba'ath Party, the Al-Da'wah Party is now well positioned within Iraq's political sphere, with many members holding prominent government offices. Prominent cleric Muhammad Bakr Al-Nasri serves as the party's religious head.

Iraqi National Congress Party – Ahmed Chalabi. Established in 1992 as an umbrella group bringing together diverse opposition elements including Kurdish, Islamist, and Arab nationalist groups, the group encountered difficulties in uniting the various factions at times. Initially launched by Kurdish personalities, some 170 Iraqi opposition figures participated the 1992 conference that established the INC in Salah Al-Din that elected a three-member presidential council for the INC: Shi'a cleric Muhammad Bahr al-Ulum; ex-Iraqi General Hasan Naqib; and Kurdistan Democratic Party head Mas'ud Barzani. Ahmad Chalabi was elected chair of the INC's executive council. The INC took part in a failed coup attempt against the Hussein regime in 1996, after which Hussein's retaliated by attacking INC bases in the northern Iraq, killing 200 supporters and forcing thousands to flee. Chalabi lobbied endlessly from the mid-1990s in an effort to gain U.S. support for the overthrow of the regime. His group was first funded by the CIA and later by the Pentagon. Chalabi entered Baghdad soon after Operation Iraqi Freedom and attempted to gain popular support among the Iraqi indigenous population. His 700-member Free Iraqi Forces militia, operating with the approval of the U.S. military, was dismantled by the coalition in May 2003 after its members were accused of burglary, harassment, and unauthorized detention of Iraqi citizens. Chalabi was afforded a seat on the Iraqi Governing Council but was not appointed to serve in the interim Iraqi government.

Political Parties (cont'd)

Al-Fadilah (Virtue) Islamic Party - Muhammad al-Ya'qubi. Group opposed to the U.S. occupation, the Al-Fadilah Society was reportedly founded in Al-Najaf in April 2003. According to Basra's "Al-Manarah," the group, which follows the line of the late Ayatollah Muhammad Sadiq al-Sadr through founder Muhammad al-Ya'qubi (as opposed to al-Sadr's son Muqtada) was founded on an advanced idea based on social work by Al-Hawzah with the aim of keeping up with current developments. It seeks to unify Islamic efforts and stands toward what is going on in Iraq in particular and the Islamic world in general. Media reports on Al-Fadilah indicate that the group seeks to install Islamic law in Iraq through its active work (natiqah), allowing the hawzah to control all aspects of Iraqi political and social life.

Patriotic Union of Kurdistan (PUK) - Jalal Talabani. The PUK is headed by Jalal Talabani. Talabani formed the group in 1975 after leaving the Kurdistan Democratic Party. Based in Al-

Sulaymaniyah, the PUK controls the eastern portion of northern Iraq. Reportedly received support from Syria and Libya in its early years, and possibly Iran. The PUK joined the Iraqi opposition supported by the U.S. government in the 1990s. Talabani held a seat of the U.S.-installed Iraqi Governing Council. The PUK has undertaken efforts to unite its administration of eastern Kurdistan with the KDP-controlled government in the western area of north-

ern Iraq, but critics say that neither party has any intention of seriously unifying their governments. The groups are allied however, in their quest for autonomy in the new Iraqi system. Latif Rashid and Fu'ad Ma'sum are other prominent members of the PUK. The PUK publishes the newspaper "Al-Ittihad."

Kurdistan Democratic Party (KDP) - Mas'ud Barzani. Founded in 1945 by Mullah Mustafa Barzani, the party has been led by his son, Mas'ud Barzani, since 1979. The group has held alliances with Syria, Turkey, and Iran at times, most notably aligning with Turkey in the 1990s to combat the Kurdish-Turkish opposition force PKK, which was based in PUK-controlled areas. The KDP joined the Iraqi National Congress and was an active member of the Iraqi opposition that supported the U.S.-led invasion of Iraq. KDP (and PUK) peshmerga forces participated in Operation Iraqi Freedom, and Barzani was assigned a position on the Iraqi Governing Council. Like Talabani, he has actively

called for the establishment of a federal system in Iraq that would grant autonomy to the Kurds. This stance has further strained KDP-Turkish relations, but both Barzani and Turkish Foreign Minister Abdullah Gul have taken steps to resolve the issue. The KDP publishes the newspaper "Al-Ta'akhi."

Iraqi National Accord Movement - Iyad Allawi. Founded in 1990 and headed by interim Prime Min-

Parties of the United Iraqi Alliance "555" (Shia coalition)

Islamic Da'awa Party
Islamic Virtue Party (Fadila)
Centrist Coalition Party
Badr Organization
Supreme Council for Islamic Revolution In Iraq
Turkman Islamic Union of Iraq
Justice and Equality Assembly
Iraqi Democratic Movement
Movement of Hizbullah in Iraq
Turkmen Loyalty Movement
Saed Al Shuhada Islamic Movement
Al Shabak Democratic Gathering
Malhan Al Mkoter
Islamic Da'awa Party - Iraq Organization
Reform And Building Meeting
Al Sadriah Advertising
The Justice Community
Iraq Ahrar

Political Parties (cont'd)

ister Iyad Allawi. The INA was one of the prominent opposition groups that received funding from the United States before the overthrow of the Hussein regime. Also known as the National Reconciliation Movement. The group published its "political program" in its newspaper, "Baghdad," on 17 February 2004. It stressed the need to transfer sovereignty in accordance with the agreed upon date between Iraqis and coalition forces, as well as the transfer of responsibility for natural resources and foreign policy to Iraqi hands; it stressed the need for a national reconciliation project that includes a financial settlement for police, army, and government workers who were dismissed from their duties by the coalition, and the participation of those not involved in the regime's crimes in a new civil society; strengthening security and defense capabilities; and adopting new economic initiatives. The INA also calls for strong relations with Iraq's neighbors, the establishment of a vibrant civil society, and the drafting of a strong constitution that would protect the rights of all Iraqis. Allawi is a former Ba'athist who left Iraq in the 1970s after a falling out with Hussein. He later survived an assassination attempt in the U.K. in 1978, purportedly ordered by Hussein. Membership of his group largely consists of ex-Ba'athists and military men opposed to the Hussein regime. A medical doctor by training, Allawi is a Shi'a.

Iraqi Islamic Party (IIP) - Dr. Muhsin Abd-al-Hamid. Although ideologically similar to the Muslim Brotherhood, top officials within the Iraqi Islamic Party insist that no formal association exists between the two groups. The party was established in the late 1950s and operated clandestine armed groups. Representing a Sunni perspective, the party is led by Secretary-General Dr. Muhsin Abd-al-Hamid (who served on the Iraqi Governing Council) and by Assistant Secretary-General Iyad Al-Samarra'i. The group is amenable to a federalist system, wherein the Kurdish region of Iraq would enjoy a degree of autonomy. Recently this party made news by being the first major Sunni party to come out publicly in favor of the Constitution, after significant last-minute negotiations prior to the referendum. The party's Baghdad office was bombed shortly thereafter.

Iraqis Party List - Ghazi al-Yawar. Al-Iraqiyyun (The Iraqis) is a bloc formed by Ghazi al-Yawar and drawing support from tribes and some of the smaller political parties. Like many other blocs, Al-Iraqiyyun has made a conscious attempt to draw support from across ethnic and religious divides. When the Iraqi Islamic Party withdrew from government in December, party member Hachim al-Husseini decided to stay on as industry minister and subsequently joined the Al-Iraqiyyun list as a significant player.

Iraqi Constitutional Monarchy (ICM) – Sharif Ali Bin Al-Hussein. The monarchist political party in Iraq led by Sharif Ali Bin Al-Hussein. Al-Hussein is related to the Hashemite royal family which ruled Iraq until 1958. He has succeeded in establishing himself as claimant in the international press. Some critics assert he is not even in line to the throne according to the constitution of the old Iraqi monarchy (The Iraqi Constitution as amended in November 1943). According to this constitution, the heir to the monarchy would be Prince Ra'ad (born 1936), Lord Chamberlain of Jordan.

Iraqi Communist Party – Hamid Majid Mousa. The ICP was founded in 1934 and always has dominated the left in Iraqi Politics. It played a fundamental role in shaping the political history of Iraq between its foundation and the 1970's. The party was involved in many of the most important uprisings and demonstrations in the 1940's and 1950's. It suffered heavily from 1978 under the repressive regime of Saddam Hussein, but remained an important element of the Iraqi opposition, and was a vocal opponent of the United Nations sanctions imposed on Iraq after the Kuwait war of 1991. It opposed the United States invasion of Iraq in 2003, but since then has participated in the new political institutions. Its general sec-

Political Parties (cont'd)

retary is Hamid Majid Mousa. The party was a part of the Peoples Union list for the January 2005 elections. The party newspaper is Tariq ash-Shaab (Path of the People). It also publishes the magazine Al Thakafa al-Jedida (New Culture). The youth wing of the party is the Iraqi Democratic Youth Federation.

National Independent Cadres and Elites (NIC&E) — Fatah Al-Sheikh. NIC&E is an Iraqi political party which represents Shiites who are unwilling to accept the moderate approach of the United Iraqi Alliance (the 'Sistani list'). It is closely associated with the movement of Muqtada Al-Sadr and the Mahdi Army. The party is led by newspaper editor Fatah Al-Sheikh. During the January 2005 national elections, the NIC&E received just 70,000 votes (0.8%) of those cast, earning them 3 seats in the Transitional National Assembly. There is one NIC&E member on the Baghdad Provincial Council.

Sadrists 'Parties' or Sadrists Movement – Muqtada Al-Sadr. Led by firebrand Shi'a cleric Muqtada al-Sadr, the movement has emerged as one of the most militant anti-American force in Iraq. Many members are young, disenfranchised Shi'a attracted by the cleric's charisma and firebrand style of preaching. Al-Sadr is the son of the late Muhammad Sadiq al-Sadr, who was gunned down, presumably by Saddam Hussein's men, along with Muqtada's two brothers, in 1999. Fiercely nationalist, al-Sadr's military wing, the Imam Al-Mahdi Army, has resisted U.S.-led occupation efforts. The Mahdi Army's mouthpiece is the "Ansar Al-Mahdi" newspaper, which is edited by Ahmad Al-Mutayri. Sadr himself has not declared for political candidacy, but influences many groupings and other parties who pledge allegiance. He appears to desire the prominence of Sistani in being able to influence politics while personally remaining 'above the fray'.

THE GOVERNMENT OF IRAQ: 2006-2010

The **Government of Iraq from 2006 to 2010** will be elected by the members of the Iraqi National Assembly that was elected in December 2005. The Iraqi Transitional Government will continue in office in a caretaker role until the government is agreed.

Under the constitution of Iraq, the first meeting of the Assembly should take place by 2006-03-12, one month after the results of the election was certified. The Assembly must appoint the Assembly Speaker in its first session, and then has fifteen days from its first meeting to approve the President, fifteen days thereafter to approve the Prime Minister, and thirty days thereafter to approve the Cabinet. If these deadlines are not met a new election should be held.

The actual first meeting took place on March 16. Although this was after the date specified in the constitution, similar deadlines have been missed in Iraq - for example with the drafting of the constitution of Iraq - without the legal consequence occurring.

First assembly meeting

On 2006-03-06, acting President Talabani convened a meeting of the Assembly for March 12. This required the assent of the acting Vice-Presidents. The Sunni Vice-President, Ghazi al-Yawar, had given Talabani a power of attorney as he was out of the country, but the Shi'ite Vice-President, Adel Abdul Mahdi, initially refused to consent.

The seven parties within the United Iraqi Alliance wrote to Talabani on 2006-03-07 to ask him to delay the first session until there is agreement on who should occupy top government positions. They were reticent to approve the Assembly speaker - expected to be a Sunni - or the President - expected to be a Kurd - before they had agreed to their nominee as Prime Minister.

However, on March 8, Abdul Mahdi backtracked and agreed to sign the decree, although a spokesman for the Alliance, Baha' al-Din Fayyad, said it would be a "pro-forma" session that would not discuss the Prime Minister. Nadim al-Jabiri, head of the Islamic Virtue Party, claimed that Abdul Mahdi had signed after the Federal Court of Iraq said the Assembly could be convened via an alternative process if he refused to sign.

On March 9 Talabani agreed to delay the first meeting until March 19 after the Dawa and Sadr Blocs within the United Iraqi Alliance threatened to boycott the session, which might block quorum.

On March 12 the US Ambassador, Zalmay Khalilzad met with leaders of the all Iraqi parties, and they agreed to bring forward the date of the first meeting to March 16, to prevent the meeting clashing with the Shiite festival of Arba'een. The meeting lasted only thirty minutes and dealt with the swearing-in of the new Assembly members, but was technically left open rather than being adjourned so that the constitutional requirement to elect the Speaker at the first session could be complied with. The Assembly's eldest member, Adnan Pachachi chaired the session as acting speaker following Arab political tradition.

On April 12 Pachachi announced that he would convene the Assembly again for April 17 in an attempt to break the impasse over the new government. However, on April 16 he agreed to postpone the meeting for "a few days" as the Alliance had objected to the nomination of Tariq al-Hashimi to the post of speaker, calling him "hardline and sectarian". Hashemi had earlier been proposed by the Iraqi Accord Front, and is the leader of the largest Sunni Arab party, the Iraqi Islamic Party.

Coalition Parties

Under the newly-adopted constitution of Iraq, the Presidency Council of Iraq and Prime Minister of Iraq must have the support of two thirds, or 184, members of the Iraqi National Assembly. Based on the final results it is likely that the government will be formed by the United Iraqi Alliance, in alliance with the Democratic Patriotic Alliance of Kurdistan, the Iraqi Accord Front, or both, and possibly the Iraqi National List.

After the elections, leaders of these four major political groups called for a government to be formed that includes all major groups. Kurdish leader Jalal Talabani called for a "government linking everyone, Arabs be they Shias or Sunnis, Kurds and Turkomans". Adnan al-Dulaimi of the Iraqi Accord Front said he was willing to enter into coalition with the Kurdish Alliance, the Iraqi National List or the United Iraqi Alliance.

On 2 January the main Sunni list, the Iraqi Accord Front held meetings with Kurdish representatives in Irbil. They report-

The Government of Iraq: 2006-2010 (cont'd)

edly said they would abandon claims that the elections had been rigged once the international election monitors' review is complete, and agreed an outline of a new national unity government. After meeting with Talabani on 8 January, Adnan al-Dulaimi said that significant headway had been made of forming a coalition government and that "Talabani and I have an identical point of view regarding the formation of a national unity government based on consensus".

The rival Sunni list headed by Saleh al-Mutlaq accused the Front of breaking an agreement with his and Allawi's lists to not discuss the new government with the Kurds. "We were shocked today when we heard that our brothers, who signed agreements with us yesterday to discuss just the fraudulent elections with the Kurdish leaders, instead were discussing forming a national unity government. This act definitely weakens and distracts our claims about the fraudulent results. I believe they are capable of making a deal with the devil himself so that they can be represented widely in the coming government."

Inclusion of Allawi's Iraqi National List

The Sadrist party within the Alliance ruled out including Allawi's list in the new government. Baha Araj was reported saying "Allawi is a red line... Allawi represents the Baathists. He's against us. He's arrested our people".

Following a suicide bombing in Karbala, Alliance factions also hardened their line against Sunni participation. Sadrist demonstrators in Baghdad chanted "We're going to crush Saleh al-Mutlaq with our slippers", accusing him of backing the Karbala bombers. Abdul Aziz Al-Hakim, the leader of SCIRI, said the Sunni parties' alleged support for terrorism "for the sake of immediate political interests" would "only increase our willingness to exclude" those "who promulgate and make excuses for terrorism".

However, on January 22 the Kurdish leaders agreed on the *Salahuddin Principles*, which called for a government of national unity to include all four largest lists in the Assembly - the United Iraqi Alliance, Democratic Patriotic Alliance of Kurdistan, Iraqi Accord Front and Allawi's Iraqi National List. It also called for the creation of a National Security Council (see below) to include the leaders of all government factions and agree national policies, and for the Interior and Defense Ministers to be "neutral".

On March 12 Khalilzad said that Iraqi political leaders had agreed that "there is no redline, in terms of the inclusion of any faction, in the formation of the government", signalling the possible inclusion of Allawi's party.

National Salvation Government

Seeking to capitalise on the failure to form a government,

Iyad Allawi on April 15 proposed that the result of the elections be set aside and that a *National Salvation Government* be formed that included secularists that failed to get elected to the parliament.

Prime Minister

Initial Alliance nomination

The Prime Minister is expected to come from the largest list in the Assembly, the United Iraqi Alliance. On 12 February the Alliance selected the incumbent Ibrahim al-Jaafari as their candidate after a close ballot of its 130 assembly members.

Four Alliance members originally put their names forward as candidates:

- Jafaari, the leader of the Islamic Dawa Party
- Adel Abdul Mehdi, the deputy leader and nominee of SCIRI
- Nadim al-Jabiri, the nominee of the Islamic Virtue Party
- Hussain al-Shahrastani, an independent

The Alliance was unable to agree on a candidate by consensus, so decided to put it to a vote. al-Jabiri and Shahrastani withdrew their candidacies before the vote. Although they were both thought to favour Abdul Mehdi, they both decided not to publicly back either remaining candidate.

The Iraqi newspaper, Al-Sharq al-Awsat, said that Iran exerted pressure on the Alliance to choose Jafaari, and the Sadr Movement threatened violence if Abdul Mahdi was chosen. However, the Iranian conservative newspaper, Baztab, was said to be supporting Abdul-Mahdi who has closer ties to Iran than Jafaari.

The two Assembly members from the Sadrist The Upholders of the Message list were also allowed to vote. One member - Hasan al-Rubai - from the Sadr Movement arrived late so couldn't vote. The result was:

- Jafaari - 64
- Abdul Mehdi - 63
- Blank - 2
- Absent - 1

Total - 130 (128 from the Alliance and 2 from the Message)

Objections

Prior to the vote Kurdish leader Jalal Talabani said he "wouldn't object" if Alliance nominated Jafaari.

However, on 2006-03-01, leaders of the Kurdistan Alliance, mainly-Sunni Iraqi Accord Front and secularist Iraqi

The Government of Iraq: 2006-2010 (cont'd)

National List agreed to ask the Alliance to drop Jafaari and chose another candidate for Prime Minister. This came after deadly sectarian reprisals against Sunnis after the bombing of the Al-Askari Mosque, and after a visit by Jafaari to Turkey on 2006-02-28 that was strongly criticised by Talabani.

A Kurdish leader was quoted saying "he (Jaafari) is not appropriate and they (Sunnis and Kurds) cannot form a cabinet with him as he is not neutral". A Sunni leader was quoted saying "his performance has been below expectations...he was unable to control the security situation... and what has happened in the last few days is a proof of what we have said...the government had been inefficient and Mr Jafaari should give his seat to someone "competent". The Kurdistan Islamic Union has also said it will back the stance of the Kurdistan Alliance, to avoid conflict with the main Kurdish political forces.

Second Alliance nomination

At first, Jafaari refused to back down and the stalemate persisted for over six weeks. In April the most senior Shi'ite cleric, Ali al-Sistani, called for urgent steps to resolve the deadlock in the interests of national unity. On April 8 the Alliance met and reportedly considered Abdul Mehdi, Shahrastani and Dawa party members Jawad al-Maliki and Ali al-Adeeb as alternative nominees. However, the meeting ended without agreement, instead mandating a 3-man committee consisting of Jawad al-Maliki, Shahrastani and Humam Hamoudi, from SCIRI, to discuss the matter with the Kurdistan Alliance and Islamic Accord Front. However, both the Kurdistan Alliance and Iraqi Accord Front reiterated their rejection of Jafaari two days later, and the Islamic Virtue Party spokesman Sabah al-Saadi publicly suggested that they nominate an alternative to Jaafari, further weakening him.

On April 11 the Al-Hayat newspaper reported that the Sadr Movement, who up to then had been the strongest supporters of Jaafari outside his own Dawa Party, had softened their stance. It indicated they may support one of:

- Jawad al-Maliki
- Ali al-Adeeb
- Mouwafak al-Rabii or
- Abdul Karim al-Anizi, leader of the Islamic Dawa Party - Iraq Organization

On April 14 it was reported that Mohammed Redha al-Sistani, negotiating on behalf of his father Grand Ayatollah Ali al-Sistani, had brokered an agreement with al-Sadr and Abdul Mehdi. Under this agreement, al-Sadr agreed not to

object to dropping Jafaari, and in exchange Abdul Mehdi would not seek the Prime Ministership himself, settling for his existing post of Vice President.

On April 21 the Alliance reached a decision to put nominate Jawad al-Maliki to the post of Prime Minister.

Deputy Prime Ministers

On April 17 the Iraqi Accord Front nominated Khalaf al-Ulaidi to the post of Deputy Prime Minister.

President

Jalal Talabani, current President of Iraq, said prior to the election that he would not seek re-election as President, because it has few powers compared to the Prime Minister. "I'm not ready to be a puppet president of this country," he said. "The president must be partner with the prime minister in ruling Iraq on all levels, foreign affairs, internal everything". However, this has been seen as an indication that he wanted the post to have more powers, rather than him not wanting the post.

On April 12, Iyad al-Samarra'i, a spokesman for the Iraqi Accord Front called for the President to be a Sunni Arab, saying they were unhappy that both the President and Foreign Minister are Kurds. A Kurdistan Alliance representative, Mahmoud Othman responded that the Kurds were sticking by Talabani and were happy to let the matter go to a vote of the Iraqi National Assembly. On April 14 the IAF withdrew their proposal.

It was reported that Adel Abdul Mahdi agreed to stay on as Vice President rather than continue his bid to become Prime Minister. On April 17 the Iraqi Accord Front nominated Adnan al-Dulaimi as Vice-President. Iyad Allawi has also been proposed for Vice-President but that would result in the Sunni Arab community losing out.

Assembly Speaker

On April 17 the Iraqi Accord Front nominated Tariq al-Hashimi to be the speaker of the Iraqi National Assembly. However, the United Iraqi Alliance said he was unacceptable as he had "a history of strident rhetoric of a Sunni sectarian sort". Some saw this as a retaliation to the Front's opposition to the nomination of Jaafari as Prime Minister.

Ministers

Because of the weakness of the Prime Minister, individual ministers are expected to have significant independence in the running of their own departments. Particular importance will be given to the Interior, Defense and Oil Ministries, and negotiations over the allocation of Ministries are expected to be lengthy.

The Government of Iraq: 2006-2010 (cont'd)

The United States has intervened on February 1 in the negotiations, calling for the Interior and Defense Ministries to be allocated to candidates who are "not regarded as sectarian". The US Ambassador Zalmay Khalilzad threatened to withdraw military aid if this was not done.

The United Kingdom Foreign Secretary, Jack Straw also echoed this in talks with Talabani on 2006-02-20, saying these departments should be in the hands of "technocrats".

This threat was angrily dismissed by Prime Minister-designate Ibrahim al-Jaafari on 2006-02-21, who said "Iraqis would not accept interference in their affairs".

National Security Council

On January 22 the Kurdish leaders agreed, as part of the *Salahuddin Principles*, to support the creation of a National Security Council, which would involve the minority parties in the running of the government, and particularly oversee the operation of the Interior and Defense Ministries.

On March 19 the parties agreed to form this council, and agreed it would consist of nineteen members, headed by President Talabani, and split as follows:

- United Iraqi Alliance: 9
- Kurdistan Alliance: 4
- Iraqi Accordance Front / Iraqi Dialogue Front: 4
- Iraqi National List: 2

However on April 4 Ayatollah Hadi al-Modarresi met with the most senior Shi'ite cleric, Ali al-Sistani, to complain that the creation of this council was an attempt to steal the election from the Alliance and constrain the Prime Minister. He called instead for a national referendum to resolve any disputes.

Federalism and the Constitution

Under a compromise agreed in September 2005 between the United Iraqi Alliance, Democratic Patriotic Alliance of Kurdistan and Iraqi Islamic Party, the new Assembly would consider amendments to the constitution in its first four months.

The Iraqi Accord Front, which includes the Iraqi Islamic Party would like the constitution to be amended to prevent the creation of a powerful oil-rich and Shiite-dominated region in the South of Iraq.

However, SCIRI has insisted that "essence" of the constitution should be maintained, and wants to see the creation of two Regions - one covering Baghdad and one covering the nine southern governorates. On March 16 Abdul Aziz al-Hakim, the leader of SCIRI called for two Regions to be created in the South - one in the far South near Basra and one for the middle Euphrates region.

This stance is not supported by all parties in the United Iraqi Alliance. The Islamic Virtue Party supports a Region covering the four southernmost governorates, and the Sadrist Movement supports a stronger central government. Ibrahim Jaafari is also thought to favour a strong central government.

Meanwhile the Kurdistan Alliance wants Kurds who were expelled from Kirkuk to be allowed to return to the city and for the Kurdish Autonomous Region to be expanded. This currently includes the governorates of As-Sulaymāniyyah, Arbīl and Dahūk, and the Kurds would like this expanded to include Kirkuk and parts or all of Diyala and Ninawa. However, this move is opposed by Turkmen and Arabs in Kirkuk and by neighbouring Turkey. The Iraqi newspaper, 'Al-Furat, reported 2006-03-05 that this is also opposed by Jaafari, and one of the reasons why the Kurds oppose his nomination.

The Kurds would also like to increase the proportion of oil revenues retained by the regions from 17% to 24%.